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PREFACE

This document has been prepared by the City of San Jose as the Lead Agency in conformance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The purpose of this Environmental Impact Report (EIR) is to inform decision makers and the general public of the environmental effects of a proposed project.

This document provides both a program level and project level environmental review appropriate for the iStar General Plan Amendment and PD Zoning project, in accordance with CEQA Guidelines Sections 15121, 15125, 15143, 15146, and 15151.

In accordance with CEQA, an EIR provides objective information regarding the environmental consequences of the proposed project, both to the decision makers who will be considering and reviewing the proposed project, and to the general public.

The following guidelines are included in CEQA to clarify the role of an EIR:

Section 15121(a). Informational Document. An EIR is an informational document which will inform public agency decision makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR, along with other information which may be presented to the agency.

Section 15125. Environmental Setting. The CEQA Guidelines (Section 15125) require a comparison of the proposed project with the existing physical environmental conditions as they exist at the time the Notice of Preparation is published. Therefore, the conclusions in the discussion below are based on a comparison of the proposed project with the existing physical conditions on the site at this time. It should be noted, however, that under the current General Plan and zoning designations applicable to the project site, the site could be developed with a building or buildings totaling up to approximately 1.5 million square feet, which a maximum allowable height of 50 feet on most of the site except for the southern portion of the site, which has a maximum allowable height of 120 feet (refer to Figure 5). Where appropriate, the discussions in the following sections will also provide a brief comparison of the currently proposed project with the existing entitlements.

Section 15143. Emphasis. In accordance with Section 15143 of the CEQA Guidelines, the discussion in this EIR is focused on the significant effects on the environment resulting from the proposed General Plan amendment and specific development project. This EIR is identified as both a “program-level” document, and a “project specific” EIR.

The mitigation measures that are appropriate to the types of approvals being considered differ in terms of their specificity and degree of entitlement and enforceability. While CEQA requires that mitigation measures should be “fully enforceable,” it also acknowledges that impacts from adoption of a plan or policy can best be mitigated by measures incorporated into the plan or policy [Guidelines §15126.4(a)(2)].

The new General Plan designation that is proposed for this project may be implemented over several years. General Plan policies are therefore the most relevant statement of how and to what degree impacts can be avoided or reduced, even though they are not project specific. General Plan policies represent the City's standards. Where it is possible or appropriate, some mitigation can be accomplished by other adopted implementation policies, ordinances, or laws that are already in place. Like General Plan policies, this "program-level" mitigation is identified where it exists.

Project-level mitigation and avoidance measures for the near-term development project can fall into one of two categories: 1) specific measures that are included in the project as proposed; or 2) specific measures that could reasonably be expected to reduce adverse impacts, but are not included in the project as proposed. The latter category is important because it provides information to decision makers regarding potential mitigation measures, which could be required as conditions of project approval.

The currently proposed project also includes some infrastructure that is proposed to reduce some of the impacts of the proposed project. While the project includes preliminary information on how the infrastructure will be funded and implemented, detailed design has not yet been done. Where the infrastructure will serve as mitigation, or where the infrastructure may have secondary impacts of its own, that information is also provided.

Section 15145. Speculation. If, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impacts.

Section 15146. Degree of Specificity. The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.

- (a) An EIR on a construction project will necessarily be more detailed in the specific effects of a project than will an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.
- (b) An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow.

Section 15151. Standards for Adequacy of an EIR. An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good-faith effort at full disclosure.

In accordance with Section 15082 of the CEQA Guidelines, a Notice of Preparation (NOP) was circulated to the public and responsible agencies for input regarding the analysis in this EIR. This EIR addresses those issues which were raised by the public and responsible agencies in response to the NOP. The NOP and the public responses to the NOP are presented in Appendix A of this EIR.

This EIR, and all documents referenced in it, are available for public review at the Planning Division, located at 200 East Santa Clara Street (3rd Floor), San José, California, on weekdays during normal business hours. Documents related to this EIR are also available, up until the time of the EIR's certification, at the City's website: sanjoseca.gov/planning/eir/eir.asp.

SUMMARY

The project proposes two General Plan Amendments (GPAs) and a rezoning to *IP(PD)-Planned Development* Zoning District. The GPAs consist of amending the San José 2020 General Plan Land Use/Transportation Diagram designation for the site from *Industrial Park* to *Mixed Use with No Underlying Land Use Designation* and the text of Appendix F of the General Plan to identify the range of industrial and commercial development proposed by the project on the project site and to increase the maximum allowable building height on the entire property to 120 feet. The PD Zoning would change the existing *A(PD) Planned Development* zoning designation on the project site to *IP(PD)-Planned Development*. The General Plan Amendments (GPA) and the PD zoning would allow for a mix of industrial and commercial uses on the project site. The project would also require an amendment to the Edenvale Area Development Policy to include the commercial uses proposed by the project.

The project site is 74 acres in size. The northeast corner of the site contains several unoccupied buildings (refer to Figure 6). The majority of the site, however, consists of vacant, undeveloped land and orchard trees. The project proposes preserve the existing fruit dehydrator building and relocate, salvage, or remove the other existing structures on the site,¹ and develop up to one million square feet of office/R&D uses and up to 450,000 square feet of commercial/retail uses on the site.

The following is a brief summary of project impacts and mitigation measures. The reader is referred to the main body text of the EIR for detailed discussions of the existing setting, impacts, and mitigation measures.

Summary of Impacts and Mitigation Measures

The table which follows summarizes the significant environmental impacts identified and discussed within the text of the EIR, and identifies the mitigation measures proposed to avoid or reduce those impacts. Those impacts for which no feasible mitigation could be identified are characterized as Significant and Unavoidable. Alternatives to the proposed project are also summarized at the end of the table.

¹ Refer to Development Standards (Figure 11).

| SUMMARY | MITIGATION AND AVOIDANCE MEASURES |
|--|--|
| Land Use Impacts | |
| <p>Development of sensitive commercial uses in proximity to existing industrial uses could result in land use conflicts and future limitations on the existing industrial development.</p> <p>Adjacent industrial uses could expose future development on the site, which may include sensitive land uses, to adverse effects from outdoor industrial activities, heavy truck use, generation of noise, dust, odors and litter, and accidental releases of hazardous materials used and stored nearby.</p> <p>Less Than Significant Impact with Mitigation Incorporated</p> | <p>Implementation of relevant General Plan policies and the following mitigation measures, the project would not result in significant land use impacts:</p> <p>The project would implement <u>either</u> measures 1 and 2 <u>or</u> measures 3 and 4 below. The appropriate combination of measures shall be determined at the PD Permit stage.</p> <ol style="list-style-type: none"> Any sensitive commercial uses, such as day care centers, schools, medical clinics, and community centers, shall be required to be located at least 1,000 feet from any hazardous materials use or storage facility, or any site that could be used for such a facility, such as the following: <ul style="list-style-type: none"> Hazardous materials meeting the California Occupational Health and Safety Administration's (Cal/OSHA) definition of a material that presents a potential for catastrophic event; Chemicals that have a National Fire Protection Agency (NFPA) or a Hazardous Materials Identification System (HMIS) rating of two or greater for flammability, health, reactivity, and fire; and Underground storage tanks (USTs) or aboveground storage tanks (ASTs) that store hazardous materials. <p>If the safety and health objectives of the 1,000-foot separation requirement can be achieved to the satisfaction of the Director of Planning, Building, and Code Enforcement through an alternative combination of site design, building orientation, construction techniques, or other similar methods, than a lesser separation may be approved through issuance of a Planned Development Permit.</p> <p style="text-align: center;">-AND-</p> Sensitive commercial uses shall be required to prepare and implement an emergency response plan for responding to circumstances that include the accidental release of hazardous materials. This plan could include designation of responsible persons, regular drills, and the identification of a "shelter in place" response that includes keeping all persons indoors, shutting windows, and shutting down air circulation |

| SUMMARY | MITIGATION AND AVOIDANCE MEASURES |
|---|---|
| | <p>systems.</p> <p style="text-align: center;">-OR-</p> <p>3. To ensure that hazardous materials impacts are minimized, the following types of hazardous materials shall be restricted from use on-site:</p> <ul style="list-style-type: none"> - Toxic and highly toxic compressed gases; - Class 4 liquid and solid oxidizers - Unclassified detonatable and Class I organic peroxides; - Unstable reactive materials; and - Flammable oxidizing gases. <p style="text-align: center;">-AND-</p> <p>4. Industrial uses on the site shall record a deed restriction that precludes the storage and/or use of acutely hazardous materials on the project site in amounts that could lead to significant off-site consequences (substantial human health and safety risks from exposure/inhalation/explosion) in the event of an accidental release or upset, for as long as any day care centers or other centers of vulnerable populations are operational within 1,000 feet.</p> <p>Should private power generation (including emergency generators) and/or an electrical substation be proposed for this site, a detailed analysis of impacts, including noise, air quality, and hazardous materials use will be prepared. The analysis will address site specific impacts based on location, design, and the presences of sensitive receptors in the vicinity. If the analysis identifies the likelihood of significant impacts occurring, a subsequent CEQA document would be required.</p> |
| <p>The development of the proposed project would result in the loss of agricultural land designated by the U.S. Department of Conservation as prime agricultural farmland.</p> <p>Significant Unavoidable Impact</p> | <p>There are no feasible measures that could reduce this significant impact to agricultural land to a less than significant level.</p> |

| SUMMARY | MITIGATION AND AVOIDANCE MEASURES |
|---|--|
| Transportation Impacts | |
| <p>The proposed project would result in a significant impact to one EADP Gateway.</p> <p>The proposed project would result in significant impacts associated with increased congestion at four local City of San José intersections.</p> <p>The proposed project would result in significant impacts to one of the CMP study intersections.</p> <p>Less Than Significant Impact with Mitigation Incorporated</p> | <p>Implementation of relevant General Plan policies and the following mitigation measures, the project would not result in significant impacts to intersections:</p> <p><u>US 101 and Blossom Hill Road (W).</u> The level of service impact could be mitigated by requiring the project to make a fair-share contribution toward the EADP improvements to the satisfaction of the Director of Public Works, including adding a third right-turn lane to the southbound US 101 off-ramp. The EADP improvements include adding a third eastbound through lane and adding a third westbound through lane. These improvements would require widening the Blossom Hill overpass and restriping. This currently unfunded mitigation measure would improve the intersection level of service from LOS F to LOS D.</p> <p><u>Monterey Highway and Blossom Hill Road (S).</u> The level of service impact will be mitigated by adding a second westbound right-turn lane. This improvement would require coordination with Caltrans and would involve widening and modifying the east leg of the intersection, as well as traffic signal modifications (refer to Figure 15). These improvements would improve the intersection level of service from LOS E to LOS C. The proposed improvements will mitigate the project impact.</p> <p><u>San Ignacio Avenue and Great Oaks Boulevard.</u> The level of service impact will be mitigated by converting the southbound shared through/right-turn lanes into separate through and right-turn lanes, and constructing dual northbound left-turn lanes. These improvements would require widening the north leg of the intersection, possible right-of-way acquisition, realigning the intersection, and modifying the existing traffic signal (refer to Figure 16). These mitigation measures would improve the intersection level of service from LOS F to LOS E with an average delay that is better than that calculated under background conditions. The proposed improvements will mitigate the project impact.</p> |

| SUMMARY | MITIGATION AND AVOIDANCE MEASURES |
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| | <p><u>San Ignacio Avenue and Bernal Road.</u> The level of service impact will be mitigated by extending and widening the southbound left-turn lanes and interconnecting the traffic signal with the other traffic signals located along Bernal Road. These improvements will require some median island reconstruction and traffic signal modifications (refer to Figure 17). These improvements would improve the intersection level of service from LOS E to LOS D. The proposed improvements would mitigate the project impact.</p> <p>The project shall include a Transportation Demand Management (TDM) program to minimize overall vehicle trip generation. The specific mix of TDM measures to be implemented shall be determined at the Planned Development Permit stage, to the satisfaction of the Director of Planning, but may include:</p> <ul style="list-style-type: none"> – Bike racks – Showers – Van/carpool parking – Ride share matching program – Parking slots allocated for motorcycles – Site design of pedestrian pathways to provide access to the Santa Teresa Light Rail Station |
| <p>The proposed project would not have a significant impact on the existing bicycle facilities in the project study area. Pedestrian facilities are adequate except along Via del Oro north of the SR 85 overpass where there is no sidewalk.</p> <p>Less Than Significant Impact with Mitigation Incorporated</p> | <p>Implementation of relevant General Plan policies and the following mitigation measure, the proposed project would not result in significant pedestrian impacts:</p> <p>The project will provide and construct sidewalks on Via del Oro north of the SR 85 overpass.</p> |

| SUMMARY | MITIGATION AND AVOIDANCE MEASURES |
|---|--|
| Noise | |
| <p>The proposed project would result in short-term increase in noise levels in the project area, especially during grading, below grade work, and pile driving.</p> <p>Less Than Significant Impact with Mitigation Incorporated</p> | <p>For construction activity within 500 feet of residential uses, limit all construction-related activities on weekdays between 7:00 AM and 7:00 PM, Monday through Friday. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan, and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.</p> <p>Prohibit and post signs prohibiting unnecessary idling of internal combustion engines.</p> <p>Locate all stationary noise-generating equipment, such as air compressors and portable generators, as far as practicable from noise-sensitive land uses.</p> <p>Designate a “noise disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.</p> <p>Equip all internal combustion engine-driven equipment with mufflers which are in good condition and appropriate for the equipment.</p> <p>Utilize “quiet” models of air compressors and other stationary noise sources where technology exists.</p> <p>If pile driving is required, implement site-specific noise and vibration attenuation measures under the supervision of a qualified acoustical consultant such as the following measures:</p> <ul style="list-style-type: none"> – Multiple pile drivers shall be considered to expedite this phase of project |

| SUMMARY | MITIGATION AND AVOIDANCE MEASURES |
|---|--|
| | <p>construction. Although noise levels generated by multiple pile drivers would be higher than the noise generated by a single pile driver, the total duration of pile driving activities would be reduced.</p> <ul style="list-style-type: none"> - Temporary noise control blanket barriers shall shroud pile drivers. Such noise control blanket barriers can be rented and quickly erected. - Pre-drill foundation pile holes. Pre-drilling reduces the number of blows required to seat the pile. The associated noise reduction would be based on the soil conditions of the site. |
| <p>Future development on the site could subject adjacent industrial uses to noise levels above 70 L_{dn}.</p> <p>Less Than Significant Impact with Mitigation Incorporated</p> | <p>Implementation of relevant General Plan policies and the following mitigation measures, the project would not result in significant operational noise impacts:</p> <p>Install standard gaskets around the large truck loading dock openings to control noise at loading docks.</p> <p>Control noise from building mechanical systems, through acoustical louvers or baffles in air transmission paths, parapet walls, rooftop screen walls and sound attenuators, so that it does not exceed 70 L_{dn} at the adjacent industrial boundary.</p> <p>Noise control measures included in the building mechanical systems shall be reviewed and measurements shall be made during the design phase by a qualified acoustical specialist to verify that noise impacts have been mitigated. The acoustical specialist shall prepare a report for submittal to the City demonstrating that necessary treatments have been included in the design prior to issuance of a building permit.</p> <p>Noise control measures included in the building mechanical systems shall be reviewed and measurements shall be made during the design phase by a qualified acoustical specialist to verify that noise impacts have been mitigated. The acoustical specialist shall prepare a report for submittal to the City demonstrating that necessary treatments have been included in the design prior to issuance of a Planned Development permit.</p> <p>Operation noise from the proposed project shall be required to conform to the noise performance standards identified in Tables 20-105 and 20-135 of the Zoning Ordinance.</p> |

| SUMMARY | MITIGATION AND AVOIDANCE MEASURES |
|--|--|
| <p>Future commercial and industrial development could be subject to noise levels in excess of the City's guidelines.</p> <p>Less Than Significant Impact with Mitigation Incorporated</p> | <p>Implementation of relevant General Plan policies and the following mitigation measures, the project would not result in significant ambient noise impacts:</p> <p>Detailed, design-level noise analyses shall be completed for all proposed development at the Planned Development Permit stage demonstrating that the design would achieve an interior Ldn of 45 dBA or less, in accordance with the Environmental Protection Agency and the City's General Plan Noise Policy 1.</p> <p>Outdoor activity areas along the Monterey Highway and SR 85 frontages shall be shielded and located on the sides of buildings facing away from these thoroughfares and the buildings themselves shall be set back as far as possible from these sources. Outdoor noise exposures in these areas shall not exceed 70 dBA for industrial uses and 60 dBA for commercial uses at the property line, and 60 dB Ldn for active outdoor areas on the site.</p> |
| Air Quality Impacts | |
| <p>The project emissions, as shown on Table 19, would exceed the threshold of significance for reactive organic gases, nitrogen oxides, and PM₁₀. Therefore, the proposed project would have a significant impact on regional air quality.</p> <p>Significant Unavoidable Impact</p> | <p>The following measure, in conjunction with the project site's proximity to bus service and light rail and mix of land uses, which allows for non-auto trips between land uses, would reduce project trip generation by up to 20 percent. The measure, however, would not reduce regional air quality impacts to a less than significant level.</p> <p>The project shall include a Transportation Demand Management (TDM) program to minimize overall vehicle trip generation. The TDM program is subject to review and approval by the Planning Director at the Planned Development Permit stage and will include, at a minimum, the following elements:</p> <ul style="list-style-type: none"> – Physical improvements, such as sidewalk improvements, landscaping, and bicycle parking that would act as incentives for pedestrian and bicycle modes of travel – Connection to regional bikeway/pedestrian trail system – Transit information kiosks – Carpool/vanpool program, e.g., carpool ridematching for employees, assistance with vanpool formation, provision of vanpool vehicles, etc. – Transit Use incentive program for employees, such as on-site distribution of passes |

| SUMMARY | MITIGATION AND AVOIDANCE MEASURES |
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| | <p>and/or subsidized transit passes for local transit system</p> <ul style="list-style-type: none"> – Preferential parking for electric or alternatively-fueled vehicles – Guaranteed ride home program – Flextime policy – On-site child care – Showers and lockers for employees bicycling or walking to work. – Secure and conveniently located bicycle parking and storage for workers – Parking cash-out program for employees (non-driving employees receive transportation allowance equivalent to the value of subsidized parking. |
| <p>The effects of construction activities would be increased dustfall and locally elevated levels of PM₁₀ downwind of construction activity. Construction dust may impact nearby properties.</p> <p>Less Than Significant Impact with Mitigation Incorporated</p> | <p>The measures listed below, to control dust and exhaust emissions, shall be followed during all site excavation, grading, and construction activities. Implementation of these measures will reduce construction impacts to a less than significant level.</p> <p>All construction vehicles shall be properly maintained and equipped with exhaust mufflers that meet State standards.</p> <p>Newly disturbed soil surfaces shall be watered down regularly by a water truck(s) or by other approved method maintained on site during all grading operations. Construction grading activity shall be discontinued in wind conditions that in the opinion of the Public Works Construction Inspector cause excessive neighborhood dust problems. Wash down of dirt and debris into storm drain systems shall not be allowed.</p> <p>Construction activities shall be scheduled so that paving and foundation placement begin immediately upon completion of grading operation.</p> <p>All aggregate materials transported to and from the site shall be covered in accordance with Section 23114 of the California Vehicle Code during transit to and from the site.</p> <p>The BAAQMD has prepared a list of feasible construction dust control measures that can reduce construction impacts to a level of less than significant. The following construction practices required by the City of San José meet or exceed the BAAQMD feasible construction dust control measures and will be implemented during all phases of</p> |

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| | <p>construction on the project site:</p> <ul style="list-style-type: none"> - Water to control dust generation during demolition of structures and break-up of pavement. - Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind. - Cover all trucks hauling demolition debris, soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard. - Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. - Sweep paved streets daily (preferably with water sweepers) including all paved access roads, parking areas, and staging areas at construction site. - Sweep adjacent streets daily (preferably with water sweepers) if visible soil material is carried onto these public streets. - Hydroseed or apply non-toxic soil stabilizers to inactive construction areas. - Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) - Limit traffic speed on unpaved roads to 15 mph. - Install sandbags or other erosion control measures to prevent silt runoff to public roadways. - Replant vegetation in disturbed areas as quickly as possible. |
| Visual and Aesthetic Impact | |
| <p>Based upon the above discussion, future development on the site would result in a significant change in visual character on the site, as compared to the existing conditions, and to the extent that existing views of the hills are obscured, could block views of scenic resources from SR 85 and Monterey Road.</p> <p>Significant Unavoidable Impact</p> | <p>Future development on the site will conform to landscaping, design, setbacks, and height requirements in the City's adopted <i>Industrial and Commercial Design Guidelines</i>. Consistency with these guidelines would be specifically evaluated for proposed development at the Planned Development Permit stage.</p> <p>Conformance with the City's Design Guidelines would reduce visual and aesthetic impacts, but not to a less than significant level.</p> |

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| Biological Resources Impacts | |
| <p>Future development under the proposed land uses on the project site could result in the removal of up to 2,275 non-ordinance-size trees and up to 55 ordinance-size trees.</p> <p>Less Than Significant Impact with Mitigation</p> | <p>Prior to approval of a Planned Development (PD) Permit for any phase of development on the project site, a comprehensive tree survey, which identifies the number of orchard and non-orchard trees on the site, prepared by a certified arborist or licensed landscape architect for the parcel(s) being developed shall be required. The site design and PD Permit approval shall incorporate preservation of existing trees to the maximum extent practicable, to the satisfaction of the Director of Planning, Building, and Code Enforcement (PBCE). In locations where preservation of existing trees is not feasible due to site constraints, relocation and replanting of significant existing trees (especially native species) shall be incorporated into the project, where feasible and appropriate, to the satisfaction of the Director of PBCE.</p> <p>Trees to be removed as part of the project shall be replaced at the following ratios:</p> <ul style="list-style-type: none"> - Ordinance-size trees to be removed shall be replaced at a minimum ratio of 4:1 (4 replaced for each 1 removed). - Ordinance-size trees of <u>native</u> species to be removed shall be replaced on the site, at a ratio of 6:1 (six replaced for each one removed). - Trees between 12-18 inches in diameter to be removed as part of the project shall be replaced at a ratio of 2:1. - Trees less than 12 inches in diameter to be removed as part of the project would be replaced at a ratio of 1:1. <p>No mitigation is required for the removal of non-ordinance-size orchard trees, which are considered an agricultural resource not subject to City regulation and not a biologic resource.</p> <p>The species and exact number of trees to be planted on the site shall be determined in consultation with the City Arborist and to the satisfaction of the Director of the Department of Planning, Building and Code Enforcement. In the event the developed portion of the project site does not have sufficient area to accommodate the required tree</p> |

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| | <p>mitigation, one or both of the following measures will be implemented at the PD Permit stage:</p> <ul style="list-style-type: none"> - An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools, or installation of trees on adjacent properties for screening purposes, to the satisfaction of the Director of PBCE. - A donation equal to the replacement/installation cost per replacement tree will be made to <i>Our City Forest</i> or a similar organization for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. The replacement plan and the per-tree donation amount shall be determined in coordination with the selected organization, to the satisfaction of the Director of Planning, Building, and Code Enforcement. A donation receipt for off-site tree planting will be provided to the Director of Planning, Building, and Code Enforcement prior to removal of the trees. - <p>The following tree protection measures shall also be included in the project in order to protect trees to be retained during construction:</p> <p style="text-align: center;"><u>Pre-construction Treatments</u></p> <ul style="list-style-type: none"> – The applicant shall retain a consultant arborist. The construction superintendent shall meet with the consulting arborist before beginning work to discuss work procedures and tree protection. – Fence all trees to be retained to completely enclose the tree protection zone prior to demolition, grubbing, or grading. Fences shall be as approved by the consulting arborist and are to remain until all grading and construction is completed. – Prune trees to be preserved to clean the crown and to provide clearance. All pruning shall be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture. |

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| | <p style="text-align: center;"><u>Recommendations for Tree Protection</u> <u>During Construction</u></p> <ul style="list-style-type: none"> – No grading, construction, demolition or other work shall occur within the tree protection zone. Any modifications must be approved and monitored by the consulting arborist. – Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the consulting arborist. – Supplemental irrigation shall be applied as determined by the consulting arborist. – If injury should occur to any tree during construction, it shall be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied. – No excess soil, chemicals, debris, equipment, or other materials shall be dumped or stored within the tree protection zone. – Any additional tree pruning needed for clearance during construction must be performed or supervised by an arborist. – As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near the trees shall be designed to withstand differential displacement. <p>A final report on tree protection measures, and the health of the protected trees, shall be submitted to the City’s Environmental Principal Planner, and be prepared to the satisfaction of the Director of PBCE, after grading and construction activities have been completed.</p> |
| <p>Development of the proposed project could impact nesting Northern Harriers.</p> <p>Development of the proposed project could impact nesting white-tailed kites.</p> <p>Development of the proposed project could impact nesting raptors on the site or in the immediate site vicinity.</p> | <p>Implementation of one of the following two measures shall be required and would reduce impacts to nesting raptors:</p> <p><i>Avoidance.</i> Construction shall be scheduled to avoid the nesting season to the extent feasible. In the South San Francisco Bay area, most raptors breed from January through August. If construction can be scheduled to occur between September and December, the nesting season would be avoided, and no impacts to nesting birds/raptors would be expected.</p> <p style="text-align: center;">-OR-</p> |

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| <p>Development of the proposed project could impact nesting loggerhead shrikes.</p> <p>Less Than Significant Impacts with Mitigation</p> | <p><i>Preconstruction/Pre-disturbance Surveys.</i> If it is not feasible to schedule construction between September and December, preconstruction surveys for nesting raptors shall be conducted by a qualified ornithologist to ensure that no active nests will be disturbed or destroyed during project implementation. Preconstruction surveys for nesting birds/raptors should be conducted no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the ornithologist would inspect the ground in open fields, as well as all trees in and immediately adjacent to the impact areas for nesting birds and raptor. If an active nest is found close enough to the construction area to be disturbed by these activities, the ornithologist, in consultation with CDFG, would determine the extent of a construction-free buffer zone (typically 250 feet) to be established around the nest.</p> <p><i>Inhibit Nesting.</i> If vegetation is to be removed by the project and all necessary approvals have been obtained, potential nesting substrate (e.g., bushes, trees, grass, burrows) that will be removed by the project shall be removed before the start of the nesting season (January), if feasible, to help preclude nesting. Removal of vegetation or structures to be removed by the project shall be completed outside of the nesting season, which extends from January through August.</p> <p>A final report on nesting birds and raptors, including any protection measures, shall be submitted to the Environmental Principal Planner, and be completed to the satisfaction of the Director of PBCE prior to start of grading.</p> |
| <p>Development of the proposed project could impact burrowing owls.</p> <p>Less Than Significant Impact with Mitigation Incorporated</p> | <p>Preconstruction surveys shall be conducted, per California Department of Fish and Game (CDFG) guidelines, no more than 30 days prior to the start of site grading. If no burrowing owls are found, then no further mitigation is warranted. If owls are located on or immediately adjacent to the site, a qualified burrowing owl biologist in consultation with CDFG would establish a construction-free buffer zone around the active burrow. No activities, including grading or other construction work, shall proceed until the buffer zone is established, or a CDFG approved relocation of the birds has been performed [such relocations can occur only during the non-reproductive season (September through</p> |

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| | <p>January)). Regardless of the time of year when burrowing owls are observed on the site, implementation of one of the following two mitigation measures is necessary:</p> <ul style="list-style-type: none"> - If preconstruction surveys confirm that burrowing owls occupy the site, then avoidance of impacts to the habitat utilized by these owls would be considered the preferred mitigation method. In order to effectively avoid habitat utilized by burrowing owls, a buffer distance of 75 meters shall be required during the nesting season (February 1 through August 31). During the non-nesting season, this distance could be reduced to 50 meters. Avoidance would allow the use of areas currently occupied by burrowing owls to continue uninterrupted. - If preconstruction surveys determine that burrowing owls occupy the site, and the Director of PBCE finds that avoiding development of occupied areas is not feasible, then the owls may be evicted outside of the breeding season, with the authorization of the California Department of Fish and Game (CDFG). The CDFG typically only allows eviction of Owls outside of the breeding season [only during the non-breeding season (September 1-January 31)] by a qualified ornithologist, and generally requires habitat compensation on off-site mitigation lands. <p>CDFG guidelines recommend that off-site mitigation lands shall be set-aside at a ratio of 6.5 acres/pair or individual owl (if only an individual is observed). A single, large contiguous mitigation site is preferable to several smaller, separated sites. The mitigation site would preferably support owl nesting and be contiguous with or at least proximal to other lands supporting burrowing owls. Sites with a long history of burrowing owl use, or that have at least been in a suitable condition for occupancy are preferred. Grazing is compatible with burrowing owl occupancy.</p> <ul style="list-style-type: none"> - A final report of Burrowing Owls, including any protection measures, shall be submitted to the Environmental Principal Planner, and completed to the satisfaction of the Director of Planning, Building and Code Enforcement prior to start of grading. |

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| <p>Development of the proposed project could impact burrowing owl habitat.</p> <p>Significant Unavoidable Impact</p> | <p>There are no feasible measures that could reduce this significant loss of burrowing owl habitat to a less than significant level.</p> |
| <p>Development of the proposed project could impact pallid bat roosts.</p> <p>Less Than Significant Impact with Mitigation Incorporated</p> | <p>Construction activities involving potential roost sites shall be conducted after the maternity roost season. The maternity roost season begins as early as March 1 and the young are volant (fly off on their own) by July 31.</p> <p>Pre-demolition and pre-construction surveys for roosting bats shall be conducted by a qualified bat biologist after the maternity season and before the wet season (i.e., between August 15 and October 15) and 14 days prior to any removal of buildings or removal of trees greater than 12 inches in diameter. No activities that would result in disturbance to active roosts shall proceed prior to the completed surveys. If no active roosts are found, then no further action shall be warranted. If a maternity roost is present, a qualified bat biologist shall determine the extent of construction-free zones around active nurseries located during surveys. CDFG shall also be notified of any active nurseries within the construction zone.</p> <p>Initial surveys can be conducted any time prior to the pre-demolition surveys to establish if a particular location has supported, or supports, roosting bats. A survey for indications of nursery roosts would be conducted prior to March 1. If indications of a maternity roost are present, the structure can not be removed or modified before a maternity roost becomes reestablished.</p> <p>If indications of a maternity roost are present, bats can be excluded from the building or tree after July 31 and before March 1 to prevent the formation of maternity colonies. Such non-breeding bats can be safely evicted, under the direction of a qualified bat biologist, by sealing crevices and providing them one-way exclusion doors. Such a device would be employed in all expansion joints during dark hours as a temporary device to prevent the formation of a maternity colony. In order not to exclude all potential maternity roost habitat at once, only one half of the expansion joints would be sealed at any one given time during the maternity colony-nesting season. This action</p> |

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| | <p>would allow bats to leave during dark hours, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight.</p> <p>A final report of pallid bats, including any protection measures, shall be submitted to the Director of Planning, Building and Code Enforcement prior to start of grading.</p> |
| Cultural Resources Impacts | |
| <p>The project site is located within an archaeologically sensitive area and there is a potential to uncover previously unrecorded prehistoric or historic cultural resources during ground disturbing construction activities.</p> <p>Less Than Significant Impact with Mitigation Incorporated</p> | <p>A qualified archaeologist will be present on site to monitor subsurface construction excavation activities into native soils during future development on the site.</p> <p>Construction personnel involved in the site clearing and subsequent grading and trenching shall be warned that there is a potential for the discovery of archaeological materials. Indicators of archaeological site deposits include, but are not limited to, the following: darker than surrounding soils, evidence of fire (ash, fire altered rock and earth, carbon flecks), concentrations of stone, bone and shellfish, artifacts of these materials and burials, either animal or human.</p> <p>In the event any unanticipated prehistoric or significant historic era cultural materials are exposed during construction, all grading and/or excavation operations within 50 feet of the find shall be halted, the Director of Planning, Building and Code Enforcement shall be notified, and a qualified professional archaeologist shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. The recommendation shall be implemented and could include collection, recordation, and analysis of any significant cultural materials.</p> <p>In the event that human remains and/or cultural materials are found, all project-related construction shall cease within a 50-foot radius of the find in order to proceed with the testing and mitigation measures required. Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:</p> <p>a. In the event of the discovery of human remains during construction, there shall be no</p> |

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| | <p>further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-enter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.</p> <p>b. A final report shall be submitted to the Director of Planning, Building and Code Enforcement. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusion, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the Director of Planning, Building and Code Enforcement.</p> |
| Hydrology and Water Quality | |
| <p>The project would increase storm water runoff from the site above existing conditions, and would exacerbate impacts to existing downstream drainage conditions in the project area.</p> <p>Less Than Significant Impact with Mitigation Incorporated</p> | <p>The proposed project will be required to utilize structural and nonstructural control measures and management practices to minimize the addition of runoff volume and pollution to the storm water system, and to comply a hydromodification management program approved by the Regional Water Quality Control Board (RWQCB).</p> <p>All future development will include post-construction Best Management Practices (BMPs) and HMP requirements based on the detailed site plans. These measures are likely to include on-site infiltration of runoff, first flush diversion, flow attenuation by use of open vegetated swales and natural depressions, storm water retention or detention structures, oil/water separators, porous pavement, or, a combination of these practices. Justification for the combination of BMPs used on the site will be required from the project proponent/applicant at the time the Planned Development Permit is proposed for any specific on-site development. The proposed BMPs will be required to comply with the NPDES C.3 permit provisions and City Policy 6-29.</p> |

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| | <p>BMPs to reduce the volume of runoff from the site, such as detention/retention units or infiltration structures, shall be designed to treat storm water runoff equal to:</p> <ol style="list-style-type: none"> 1. the maximized storm water quality capture volume for the area, based on the City of San José precipitation gage with adjustments made directly proportionate to Mean Annual Precipitation, determined using the formula and volume capture coefficients set forth in <i>Urban Runoff Quality Management, WEF Manual of Practice No. 23/ ASCE Manual of Practice No. 87</i>, (1998), pages 175-178 (e.g., approximately the 85th percentile 24-hour storm runoff event); or 2. the volume of annual runoff required to achieve 80 percent or more capture, determined in accordance with the methodology set forth in Appendix D of the <i>California Storm water Best Management Practices Handbook</i>, (1993), using local rainfall data. <p>BMPs designed to increase flow capacity, such as swales, sand filters, or wetlands, shall be sized to treat:</p> <ol style="list-style-type: none"> 1. 10% of the 50-year peak flow rate [approximately eight cfs]; or 2. the flow of runoff produced by a rain event equal to at least two times the 85th percentile hourly rainfall intensity for the applicable area, based on historical records of hourly rainfall depths; or 3. the flow of runoff resulting from a rain event equal to at least 0.2 inches per hour intensity [approximately 10 cfs]. <p>The selected BMPs must:</p> <ol style="list-style-type: none"> 1. Address significant erosion potential and sediment control (C.3.a.iv). 2. Reduce post-development pollutant loads from a site to the maximum extent practicable (C.3.b.i). 3. Ensure that post-project runoff pollutant levels do not exceed pre-project pollutant levels for projects that discharge directly to listed impaired water bodies under Clean Water Act Section 303(d)(C.3.b.ii). <p>Based on the technical procedures and parameters that are described in Appendix J, the approximate size of the on-site percolation/retention basin needed to meet the HMP</p> |

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| | <p>criteria were calculated for the maximum development proposed by the project. According to preliminary calculations for a hydraulic design, assuming 76 percent impervious surface on the site, the project would be required to detain a water volume size of approximately 19.8 acre-feet. This would require setting aside approximately 4.2 acres (five feet deep), or approximately 24 percent, of the total open space on the site for detention/retention.</p> <p>Land can be set aside to construct the required basin on-site or the basin can be constructed underground, underneath a parking lot. The exact location and configuration of the required detention basin shall be determined to the satisfaction of the Director of Planning, Building, and Code Enforcement and prior to the issuance of a Planned Development Permit.</p> <p>The <i>Post-Construction Mitigation Measures for Water Quality</i> described below regarding construction of a detention/retention area or underground storage capable of containing 19.8 acre-feet of water would be sufficient to mitigate the project's increase in runoff.</p> |
| <p>Construction of the proposed project could cause a significant temporary increase in the amount of contaminants in storm water runoff during construction.</p> <p>The project's storm water runoff both during and after construction would contain urban pollutants, such as oil, grease, plastic, and metals that could impact water quality in local drainage systems receiving storm water runoff. The pollutants would occur in higher amounts than currently exist, due to increased development and activity on the site.</p> <p>Less Than Significant Impact with Mitigation Incorporated</p> | <p>Prior to construction of any phase of the project, the City of San José will require that the applicant(s) submit a Storm Water Pollution Prevention Plan (SWPPP) and a Notice of Intent (NOI) to the State of California Water Resource Quality Control Board to control the discharge of storm water pollutants including sediments associated with construction activities. Along with these documents, the applicant may also be required to prepare an Erosion Control Plan. The Erosion Control Plan may include Best Management Practices (BMPs) as specified in the California Storm Water Best Management Practice Handbook for reducing impacts on the City's storm drainage system from construction activities. The SWPPP shall include control measures during the construction period for:</p> <ul style="list-style-type: none"> – Soil stabilization practices – Sediment control practices – Sediment tracking control practices – Wind erosion control practices and – Non-storm water management and waste management and disposal control practices. |

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| | <p>Prior to issuance of a grading permit, the applicant will be required to submit copies of the NOI and Erosion Control Plan (if required) to the City Project Engineer, Department of Public Works. The applicant will also be required to maintain a copy of the most current SWPPP on-site and provide a copy to any City representative or inspector on demand.</p> <p>Each phase of development will comply with the City of San José Grading Ordinance, including erosion- and dust-control during site preparation, and with the City of San José Zoning Ordinance requirement for keeping adjacent streets free of dirt and mud during construction.</p> <p>The project shall comply with Provision C.3 of NPDES Permit Number CAS0299718, which provides enhanced performance standards for the management of storm water for new development. (Refer to <i>Section I.G. Consistency with Adopted Plans and Policies</i>, of this EIR, for description of these requirements.)</p> <p>Prior to issuance of a Planned Development Permit, each phase of development shall include provision for post-construction structural controls in the project design in compliance with the NPDES C.3 permit provisions, and shall include Best Management Practices (BMP) for reducing contamination in storm water runoff as permanent features of the project. The specific BMPs to be used in each phase of development will be determined based on design and site-specific considerations and will be determined prior to issuance of Planned Development Permits. Post-construction BMPs and design features could include, but are not limited to, the following:</p> <ul style="list-style-type: none"> – Infiltration basins – shallow impoundments designed to collect and infiltrate storm water into subsurface soils. – Infiltration trenches – long, narrow trenches filled with permeable materials designed to collect and infiltrate storm water into subsurface soils. – Permeable Pavements – permeable hardscape that allows storm water to pass through and infiltrate subsurface soils. – Vegetated Filter Strips – linear strips of vegetated surface designed to treat surface sheet flow from adjacent surfaces. |

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| | <ul style="list-style-type: none"> – Vegetated Swales – shallow, open channels with vegetated sides and bottom designed to collect, slow, and treat storm water as it is conveyed to downstream discharge point. – Flow-through Planter Boxes – structures designed to intercept rainfall and slowly drain it through filter media and out of planter. – Hydromodification Separators – flow through structures with a settling or separation unit that removes sediments and other pollutants. – Media Filtration Devices – two chamber system including a pretreatment settling basin and a filter bed. – Green Roofs – vegetated roof systems that retain and filter storm water prior to drainage off building rooftops. – Wet Vaults – subsurface storage system designed to fill with storm water during larger storm events and slowly release it into the conveyance system over a number of hours. – New trees planted within 30 feet of impervious surfaces and existing trees kept on a site if the trees’ canopies are within 20 feet of impervious surfaces, 100 square feet of Credit may be give for each new deciduous tree, and 200 square feet of Credit may be given for each new evergreen tree. The Credit for existing trees is the square-footage equal to one-half of the existing tree canopy. Nor more than 25 percent of a site’s impervious surface can be treated through the use of trees. <p>The trees selected shall be suitable species for the site conditions and the design intent. Trees should be relatively self-sustaining and long-lived. Protection during construction shall be in the form of minimizing disruption of the root system. Trees required by the City of San José for tree removal mitigation, to fulfill City of San José street tree requirements, or to meet storm water treatment facility planting requirements will not count toward Post-Construction Treatment Control Measure Credit.</p> <p>Trees approved for Post-Construction TCM Credit shall be maintained and protected on the site after construction and for the life of the development (until any approved redevelopment occurs in the future). During the life of the development,</p> |

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| | <p>trees approved for Post-Construction TCM Credit shall not be removed without approval from the City. Trees that are removed or die shall be replaced within six (6) months with species approved by the City of San José.</p> <p>To protect groundwater from pollutant loading of urban runoff, BMPs which are primarily infiltration devices (such as infiltration trenches and infiltration basins) must meet, at a minimum, the following conditions:</p> <ul style="list-style-type: none"> – Pollution prevention and source control BMPs must also be implemented to protect groundwater; – Use of infiltration BMPs cannot cause or contribute to degradation of groundwater; – Infiltration BMPs must be adequately maintained; – Vertical distance from the base of any infiltration device to the seasonal high groundwater mark must be at least 10 feet. In areas of highly porous soils and/or high groundwater table, BMPs should be subject to a higher level of analysis (considering potential for pollutants such as on-site chemical use, level of pretreatment, similar factors); – Unless storm water is first treated by non-infiltration means, infiltration devices shall not be recommended for areas of industrial or light industrial activity; areas subject to high vehicular traffic (25,000 or greater average daily traffic trips on main roadway or 15,000 or more average daily traffic trips on any intersecting roadway); automotive repair shops; car washes; fleet storage areas (bus, truck, etc); nurseries; and other land uses and activities considered by the City as high threats to water quality; and – Infiltration devices must be located a minimum of 100 feet horizontally from any water supply wells. <p>To maintain effectiveness, all storm water treatment facilities shall include long-term maintenance programs.</p> <p>The applicant, their arborist and landscape architects, shall work with the City and the SCVURPPP to select pest resistant plants to minimize pesticide use, as appropriate, and the plant selection will be reflected in the landscape plans included with the PD Permit Plan set for each phase of the project.</p> |

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| Hazards and Hazardous Materials | |
| <p>The construction and operation of a child care or other sensitive commercial uses on the project site could result in the exposure of sensitive receptors to hazardous materials impacts in the event of an accidental release or upset.</p> <p>Less Than Significant Impact with Mitigation Incorporated</p> | <p>In order to reduce potential hazardous material impacts to sensitive uses, the project would implement either measures 1 and 2 or measures 3 and 4 below.</p> <ol style="list-style-type: none"> Any sensitive commercial uses, such as day care centers, schools, medical clinics, and community centers, shall be required to be located at least 1,000 feet from any hazardous materials use or storage facility, or any site that could be used for such a facility, such as the following: <ul style="list-style-type: none"> Hazardous materials meeting the California Occupational Health and Safety Administration's (Cal/OSHA) definition of a material that presents a potential for catastrophic event; Chemicals that have a National Fire Protection Agency (NFPA) or a Hazardous Materials Identification System (HMIS) rating of two or greater for flammability, health, reactivity, and fire; and Underground storage tanks (USTs) or aboveground storage tanks (ASTs) that store hazardous materials. <p>If the safety and health objectives of the 1,000-foot separation requirement can be achieved to the satisfaction of the Director of Planning, Building, and Code Enforcement through an alternative combination of site design, building orientation, construction techniques, or other similar methods, than a lesser separation may be approved through issuance of a Planned Development Permit.</p> <p>-AND-</p> Sensitive commercial uses shall be required to prepare and implement an emergency response plan for responding to circumstances that include the accidental release of hazardous materials. This plan could include designation of responsible persons, regular drills, and the identification of a "shelter in place" response that includes keeping all persons indoors, shutting windows, and shutting down air circulation systems. <p>-OR-</p> |

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| | <p>3. To ensure that hazardous materials impacts are minimized, the following types of hazardous materials shall be restricted from use on-site:</p> <ul style="list-style-type: none"> – Toxic and highly toxic compressed gases; – Class 4 liquid and solid oxidizers – Unclassified detonatable and Class I organic peroxides; – Unstable reactive materials; and – Flammable oxidizing gases. <p style="text-align: center;">-AND-</p> <p>4. Industrial uses on the site shall record a deed restriction that precludes the storage and/or use of acutely hazardous materials on the project site in amounts that could lead to significant off-site consequences (substantial human health and safety risks from exposure/inhalation/explosion) in the event of an accidental release or upset, for as long as any day care centers or other centers vulnerable populations are operational.</p> |
| <p>Because the project proposes buildings of two or more stories within the 250 foot setback, the project could result in safety hazards associated with the presence of high-pressure gas lines near the site.</p> <p>Less Than Significant Impact with Mitigation Incorporated</p> | <p>Proposed structures more than two stories in height to be located within 250 feet of nearby high-pressure gas lines shall include and incorporate appropriate design features (i.e., reinforced walls, blast-proof glass, etc.) to reduce safety impacts. Such features may include:</p> <ul style="list-style-type: none"> - Locating doors and windows such that they do not directly face the pipeline; - Selecting thermally tempered glazing for doors and windows; - Increasing the thickness of such glazing; - Strengthening the framing around doors and windows; - Increasing the structural integrity of the wall and roof systems by using a larger framing wood system; and - Using reinforced concrete or masonry construction materials. <p>The specific design features to be included in the structures shall be selected prior to issuance of PD Permit(s) through consultation with an engineer retained by the project proponent with experience in identifying and analyzing a building's response to an explosive threat due to an accidental explosion occurring with gas discharge from high-pressure gas main. The measures to be incorporated into the structures shall be approved by the Director of PBCE and the Fire Chief.</p> |

| SUMMARY | MITIGATION AND AVOIDANCE MEASURES |
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| | Any proposed grading and excavation activities in the vicinity of the gas lines shall conform to PG&E's requirements. |
| Utilities and Service Systems | |
| <p>Future development would increase the amount of impervious surfaces on the site and, therefore, increase the amount of storm water runoff from the site. Runoff from the project site is estimated to increase three times compared to existing conditions.</p> <p>Less Than Significant Impact with Mitigation Incorporated</p> | <p>Please refer to the <i>Hydrology and Water Quality Impacts</i> section of this table for measures to reduce this impact to a less than significant level.</p> |
| <p>The project would provide industrial and commercial uses near existing housing, which could lead to some reduction in transportation related to energy consumption. The project, however, would result in a substantial increase in energy usage on the site. The increase in energy usage on the site would increase the demand upon energy resources; therefore, the project would result in a significant impact on energy resources.</p> <p>Less Than Significant Impact with Mitigation Incorporated</p> | <p>Implementation of relevant General Plan policies, conformance with Title 24 of the California Administrative Code (as it pertains to energy efficiency) and implementation of the following measures will reduce energy impacts to a less than significant level:</p> <p style="text-align: center;"><u>Measures to Reduce Energy Consumption During Demolition</u></p> <p>The project shall have a waste management plan for recycling of construction and demolition materials in place and operating at the beginning of the project. Prior to issuance of building permits, the City will review the plan. The plan shall be completed to the satisfaction of the Director of Planning, Building, and Code Enforcement.</p> <p>The project shall recycle or salvage a minimum of 50 percent (by weight) of construction, demolition, and land clearing waste.</p> <p style="text-align: center;"><u>Measures to Reduce Energy Consumption by Design</u></p> <p>The project shall incorporate principles of passive solar design to the satisfaction of the Director of Planning, Building, and Code Enforcement. Passive solar design is the technology of heating, cooling, and lighting a building naturally with sunlight rather than with mechanical systems because the building itself is the system. Basic design principles are large south-facing windows with proper overhangs, as well as tile, brick, or</p> |

| SUMMARY | MITIGATION AND AVOIDANCE MEASURES |
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| | <p>other thermal mass material used in flooring or walls to store the sun's heat during the day and release it back into the building at night or when the temperature drops. Passive solar also takes advantage of energy efficient materials, improved insulation, airtight construction, natural landscaping, and proper building orientation to take advantage of the sun, shade, and wind.</p> <p>The project shall install reflective, EnergyStar™, cool roofs to the satisfaction of the Director of Planning, Building, and Code Enforcement. Cool roofs decrease roofing maintenance and replacement costs, improve building comfort, reduce impact on surrounding air temperatures, reduce peak electricity demand, and reduce waste stream of roofing debris.</p> <p style="text-align: center;"><u>Measures to Reduce Energy Consumption During Construction</u></p> <p>The proposed buildings shall incorporate, where applicable and feasible, elements of the LEED Project Checklist into the design to the satisfaction of the Director of Planning, Building, and Code Enforcement. The following are examples of LEED measures that may be incorporated:</p> <ul style="list-style-type: none"> – The project shall use recycled materials to reduce the use of raw materials and divert material from landfills. Construction material used shall be at least 5-10 percent salvaged or refurbished materials, specifically, a minimum of 25-50 percent of building materials shall contain at least 20 percent post consumer recycled content material, or a minimum of 40 percent post industrial recycled content material. – The project shall use local and regional materials in order to reduce natural resources necessary from transporting materials over long distances. Of the building materials used, 20-50 percent shall be manufactured within 500 miles of the building site. – The project shall use rapidly renewable materials in order to reduce the depletion of virgin materials and reduce use of petroleum-based materials. Specifically five percent of total building materials shall be made from rapidly renewable building materials. – For components of the project where buildings would be made from wood, such as flooring and framing, the project shall use a minimum of 50 percent wood-based materials certified in accordance with the Forest Stewardship Council Guidelines |

| SUMMARY | MITIGATION AND AVOIDANCE MEASURES |
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| | <p>(http://www.fscoaz.org/index.html).</p> <ul style="list-style-type: none"> – The project shall select materials with volatile organic compound limits. <p>The idling of construction vehicles shall be avoided to reduce fuel consumption, emissions, and noise.</p> <p>Commercial and industrial buildings, to the extent feasible, shall:</p> <ul style="list-style-type: none"> – Install motion detectors or dimmers to control lighting; – Install efficient security and parking lot lighting (e.g., high pressure sodium fixtures); – Install reflective window film or awnings on all south and west facing windows; – Install ceiling and wall insulation; and – Install Energy Management System to control HVAC system—its operating hours, set points, scheduling of chillers, etc. |
| Cumulative Impacts | |
| <p>The proposed project would not contribute to significant cumulative land use compatibility, population and housing, or loss of open space impacts. The project would, however, contribute to the cumulative loss of agricultural land.</p> <p>Significant Unavoidable Cumulative Loss of Agricultural Land</p> | <p>There are no feasible measures that could reduce this significant cumulative agricultural land impact to a less than significant level.</p> |
| <p>Approval of the cumulative project would result in cumulatively significant visual and aesthetic impacts. The proposed project would change the visual character of the site and would obstruct views of the eastern foothills. The project, therefore, would contribute to significant cumulative visual and aesthetic impacts.</p> | <p>There are no feasible measures that could reduce this significant cumulative visual and aesthetic impact to a less than significant level.</p> |

| SUMMARY | MITIGATION AND AVOIDANCE MEASURES |
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| <p>Significant Unavoidable Cumulative Impact</p> <p>The cumulative projects will contribute to the identified significant cumulative impacts that include increasing congestion across the three special subarea screenlines, significant increases to VMT and VHT within the City's Sphere of Influence, and significant increase in peak hour congestion on already contested roadway links. The proposed project, which is the subject of this EIR, will contribute to the significant increases in peak hour congestion on already congested roadway links. .</p> | <p>Given the magnitude of the cumulative traffic impacts that are described above, no feasible mitigation was identified that would reduce the impacts to a less than significant level.</p> |
| <p>Significant Unavoidable Cumulative Impact</p> <p>While the proposed project would not add housing, the project would increase development on the site and would result in significant additional traffic trips. The project would itself result in significant regional air quality impacts and, therefore, would contribute to a significant cumulative regional air quality impact.</p> | <p>While there are no specific measures identified that would reduce significant cumulative air quality impacts to a less than significant level, the proposed project includes all feasible measures to reduce long-term air quality impacts.</p> |
| <p>Significant Unavoidable Cumulative Impact</p> <p>The cumulative projects would not result in significant cumulative noise impacts from ambient noise levels, increased traffic on roadways, or increased aircraft operations. Implementation of all cumulative projects would, however, result in significant temporary cumulative construction-related noise impacts.</p> <p>Significant Unavoidable Temporary</p> | <p>While short-term impacts of many individual construction project can be minimized or reduced to less than significant, the cumulative impacts of construction noise in areas planned for multiple or very large developments would be significant and unavoidable.</p> |

| SUMMARY | MITIGATION AND AVOIDANCE MEASURES |
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| <p>Construction-Related Noise Impacts</p> <p>The proposed iStar project, which is the subject of this EIR, would not contribute to significant cumulative impacts upon sensitive plant species, wetlands or riparian habitat, anadromous fish species, or the checkerspot butterfly. The proposed project would, however, contribute to the significant cumulative impacts to individual burrowing owls and nesting raptors.</p> <p>Less Than Significant Cumulative Impacts to Individual Burrowing Owl and Nesting Raptors</p> | <p>Implementation of pre-construction surveys and establishment of construction-free buffers, in the event raptors or active nests are present, will reduce impacts to individual burrowing owls and nesting raptors to a less than significant level.</p> |
| <p>Approval and development of the cumulative projects would result in a significant cumulative impact to burrowing owl habitat. The iStar project site contains suitable burrowing owl habitat and there is a potential for burrowing owls to occupy the site. For this reason, the proposed iStar project would significantly contribute to cumulative impacts to burrowing owl habitat.</p> <p>Significant Unavoidable Cumulative Impact to Burrowing Owl Habitat</p> | <p>There are no feasible measures that could reduce this significant cumulative burrowing owl habitat impact to a less than significant level.</p> |

SIGNIFICANT UNAVOIDABLE IMPACTS

If the project is implemented, the following significant unavoidable environmental impacts would occur:

Significant Loss of Agricultural Land Impact. Development of the proposed project would result in the loss of up to 74 acres of *Prime Farmland*.

Significant Visual and Aesthetic Impacts. Future development allowed under the proposed General Plan amendments could result in a significant change in visual character on the site and the partial obstruction of views of scenic resources.

Significant Regional Air Quality Impacts. Even with the incorporation of the proposed mitigation measures identified in *Section II.D. Air Quality*, the project's regional air quality impacts would remain significant.

Significant Burrowing Owl Habitat Impact. The development of the proposed project would result in the loss of potential burrowing owl habitat.

Significant Cumulative Loss of Agricultural Land. The project would contribute to the cumulative loss of agricultural land. The identified mitigation measures in *Section II.A. Land Use*, which are not currently proposed, if incorporated, would reduce the impact to a less than significant level.

Significant Cumulative Visual and Aesthetic Impacts. The proposed project would change the visual character of the site and would obstruct views of the eastern foothills. The project, therefore, would contribute substantially to significant cumulative visual and aesthetic impacts.

Significant Cumulative Burrowing Owl Habitat Impacts. In the absence of replacement habitat to offset the loss of the remaining burrowing owl habitat in the area, the implementation and development of the cumulative projects, including the iStar project, would result in a cumulatively significant, unavoidable loss of burrowing owl habitat.

Significant Cumulative Long-Term Traffic (TRANPLAN) Impacts. The cumulative General Plan amendments would result in significant adverse cumulative increases in congestion. The proposed project, which is the subject of this EIR, will contribute to the significant increases in peak hour congestion on already congested roadway links.

Significant Cumulative Temporary Construction Noise Impacts. The cumulative projects would not result in significant cumulative noise impacts from ambient noise levels, increased traffic on roadways, or increased aircraft operations. Implementation of all cumulative projects (including the proposed project) would, however, result in significant temporary cumulative construction-related noise impacts.

Significant Cumulative Regional Air Quality Impacts. While the proposed project would not add housing, the project would increase development on the site and would result in significant additional traffic trips. The project would itself result in significant regional air quality impacts and, therefore, would contribute to a significant cumulative regional air quality impact.

SUMMARY OF ALTERNATIVES

CEQA requires that an EIR identify alternatives to the project as proposed. The CEQA Guidelines specify that an EIR identify alternatives which “would feasibly attain the most basic objectives of the project but avoid or substantially lessen many of the significant environmental effects of the project.”

A. NO PROJECT ALTERNATIVE

The Guidelines specifically require consideration of a No Project Alternative. The purpose in including a No Project Alternative is to allow decision makers to compare the impacts of approving the project with the impacts of not approving the project. The Guidelines specifically advise that No Project is “what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.” The Guidelines emphasize that an EIR should take a practical approach, and not “...create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment” [' 15126.6(e)(3)(B)].

Currently, most of the site is undeveloped. Under the No Project Alternative, the site would continue to be designated *Industrial Park*. The No Project Alternative, therefore, could include the site remaining as it is—unoccupied and vacant—or future development could occur under the existing industrial land use designation and entitlements. Since the project site is within an urbanized area and is part of an existing Redevelopment Project area, it is unlikely to remain undeveloped indefinitely. As described in *Section I*, the project site has entitlements for up to approximately 1.5 million square feet of office/R&D uses. The existing land use designation allows for buildings of up to 50 feet tall on the site, except for the southern portion of the site, which is within a Transit Area where buildings of up to 120 feet are allowed (*Urban Design Policy 10*).

Overall, the No Project Alternative would be environmentally superior to the proposed project because it would reduce the project’s visual and aesthetic, traffic, and land use compatibility impacts. Other impacts resulting from the development of the site, including loss of agricultural land, air quality impacts, impacts to biological resources, and construction-related impacts, would generally be comparable to those from the proposed project. However, because this Alternative would not allow for commercial uses on the site, this Alternative does not meet all of the project objectives, including project objectives 1 through 7.

B. REDUCED DEVELOPMENT AND SMALLER PROJECT SITE ALTERNATIVE

A Smaller Project Site Alternative would involve development on the northern half of the project site. Under the Reduced Development and Smaller Project Site Alternative, the proposed uses would be built at approximately the same intensity as the proposed project, but be built on only the northern half of the project site, a site of approximately 40 acres. Therefore, the Smaller Project Site Alternative assumes approximately 0.5 million square feet of industrial office/R&D development and approximately 225,000 square feet of commercial/retail development.

Under this Alternative, the southern half of the project site is assumed to remain undeveloped. Development pressures, however, may lead to its development in the future.

Overall, the Smaller Site Alternative would be environmentally superior to the proposed project because it would reduce the project's agricultural land, burrowing owl, visual and aesthetic, traffic, air quality, tree, utility and service systems, energy, and public services impacts. Other impacts resulting from the development of the site, including construction-related impacts and land use compatibility impacts, would generally be comparable to those from the proposed project. However, because this Alternative would allow for less development and less industrial square footage on the site, this Alternative would not meet project objectives 1, 3, and 7, which include preserving industrial development potential/capacity.

C. REDUCED HEIGHT ALTERNATIVE

The Reduced Height Alternative would allow for the development of the proposed project with a maximum building height of 50 feet on the entire site.² This Alternative assumes that the proposed project would be built at the same intensity as the proposed project. By reducing the maximum building height allowed on the site from 120 feet to 50 feet, the amount of development would also be proportionately reduced.

With the proposed project, the proposed commercial buildings were anticipated to have a maximum height of 35 feet, therefore, under this Alternative all of the commercial square footage could be developed. The proposed industrial buildings were anticipated to have a maximum height of 75 feet. This Alternative would reduce the maximum building height to 50 feet, which would proportionately reduce the amount of industrial development from one million square feet to approximately 670,000 square feet.

Overall, the Reduced Height Alternative would be environmentally superior to the proposed project because it would reduce the project's visual and aesthetic, traffic, air quality, and utilities and service systems impacts. Other impacts resulting from the development of this Alternative, including biological resources, agricultural land, land use compatibility, hazardous materials, and construction-related impacts, would be comparable to those from the proposed project. However, because this Alternative would allow for less industrial square footage on the site, this Alternative would not fully meet project objective 3 of developing up to one million square feet of industrial uses on the site.

D. RETAIL-ONLY ALTERNATIVE

A Retail-Only Alternative would involve the development of only commercial uses on the project site. A supplemental traffic analysis was completed by *Hexagon Transportation Consultants, Inc.* in August 2005 to determine the maximum amount of retail development that could be built on the project site without generating any significant intersection impacts or triggering the need for any impact-related traffic mitigation improvements. This analysis is included as Appendix D of this EIR. This analysis concluded that up to 385,000 square feet of commercial/retail uses could be developed on the site without any significant intersection impacts or triggering the need for any impact-related traffic mitigation improvements. Therefore, the Retail-Only Alternative assumes 385,000 square feet of retail development on the site.

² Buildings of up to 120 feet in height are allowed on the southern portion of the site within 2,000 feet of the Santa Teresa light rail station (refer to Figure 5). However, because retail uses are proposed, at a height of 35 feet, on this portion of the site, this distinction would not affect the amount of development under this Alternative.

Overall, the Retail-Only Alternative would be environmentally superior to the proposed project because it would eliminate the proposed project's traffic and land use/hazardous materials impacts. In addition, the Retail-Only Alternative would reduce the proposed project's air quality, agricultural resources, burrowing owl habitat, visual and aesthetic, noise, tree, utility and service systems, energy, and public service impacts. However, because this Alternative would allow for no industrial development and less commercial development, it would not meet project objectives 1-3, 7, and 9, which includes the preservation of industrial development on the site.

E. ALTERNATIVE LOCATIONS

The CEQA Guidelines require that an EIR identify an alternative location that "would avoid or substantially lessen any of the significant effects of the project" [§15126.6 (f) (2) (A)]. As discussed previously in this section, the overall objectives of the project is to create a mixed-use office/R&D and retail development on the project site (refer to the list of specific objectives above).

The project proposes up to one million square feet of office/R&D uses and up to 450,000 commercial/retail uses on an approximately 74-acre site. An alternative site would need to be at least of comparable size, within the existing urbanized area of San José, and with adequate roadway access, and utility capacity to serve the development proposed. Since the proposed site is mostly undeveloped and located in south San José, an appropriate alternative site would be undeveloped or at least partially undeveloped and in located in south San José.

In order to identify an alternative site that might reasonably be considered to "feasibly accomplish most of the basic purposes" of the project, and would also mitigate some or all of the significant impacts of the project, it was assumed that such a site would ideally have the following characteristics:

1. Located within the Edenvale Redevelopment Policy Area;
2. Located near a freeway and major roadways with good visibility;
3. Approximately 60 acres in size;
4. Not designated as Prime Farmland;
5. Not be located in a scenic viewshed;
6. Served by available infrastructure; and
7. Immediately available.

Because one of the objectives is to locate the proposed office/R&D uses and commercial/retail uses in South San José that compliments the Edenvale Redevelopment Project Area (project objectives 2, 5, and 6), alternative locations outside this area of San José were not identified. Similarly, alternative sites which are significantly smaller than the proposed site, and thus would not allow development of an equivalent amount of office/R&D and commercial/retail uses comparable to the proposed development, were also rejected.

A review of vacant and underutilized sites in Edenvale was conducted in order to identify potentially suitable alternative locations for the project. Potential alternative sites were evaluated in terms of whether they would: 1) reduce or avoid some or all of the environmental impacts of the proposed project; 2) be of sufficient size to meet most of the basic project objectives; and 3) be immediately available to be acquired or controlled by the applicant.

The following properties were identified:

1. Santa Teresa Boulevard and San Ignacio Avenue
2. Silver Creek Road and Hellyer Avenue

Overall, development of the proposed project at one of the above identified alternative locations would be environmentally superior to the proposed project because it would eliminate the proposed project's significant impact on agricultural land. It would also have lesser impacts to trees because the alternative sites do not have as many trees as the project site and therefore, would not require the removal of as many trees to develop the alternative sites. Other impacts, including, visual and aesthetic, burrowing owl, and traffic, would be similar to those of the proposed project. This Alternative would meet project objectives 2 and 4 through 9, which include developing mixed industrial and retail uses in Edenvale and fostering economic development.

Because this Alternative would involve other properties that are not currently under control by the project applicant, this Alternative would not meet project objective 1 of developing a site owned by the project applicant. For this reason, the Alternative Locations is not considered feasible.

E. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The CEQA Guidelines state that an EIR shall identify an environmentally superior alternative. Based on the above discussion, the environmentally superior alternative is the No Project Alternative, because all of the project's significant environmental impacts would be avoided. However, Section 15126.6(e)(2) states that "if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives."

Therefore, based upon the previous discussion, the Retail-Only Alternative would be the environmentally superior alternative because this Alternative would not result in significant traffic, land use compatibility, or hazardous materials impacts. In addition, the Retail-Only Alternative would reduce the proposed project's air quality, agricultural resources, burrowing owl habitat, visual and aesthetic, noise, tree, and utility and services impacts.

KNOWN VIEWS OF LOCAL GROUPS AND AREAS OF CONTROVERSY

Issues raised by residents of San José at community and scoping meetings have included concerns related to increased traffic, site access, air quality, noise, loss of trees, visual character, hazardous materials, and drainage.

I. PROJECT INFORMATION

A. PROJECT OVERVIEW

The project proposes two General Plan Amendments: 1) amend the San José 2020 General Plan Land Use/Transportation Diagram designation for the site from *Industrial Park* to *Mixed Use with No Underlying Land Use Designation* and 2) amend the text of Appendix F of the General Plan to identify the range of industrial and commercial development proposes by the project and to increase the maximum allowable building height to 120 feet on the site. The project also proposes a rezoning on the site, from the existing *A(PD) Planned Development* zoning designation to *IP(PD)-Planned Development*. The General Plan Amendment (GPA) and the PD zoning would allow for a mix of industrial and commercial uses on the project site.

B. PROJECT LOCATION

The 74-acre site is located adjacent to SR 85, east of the intersection of Monterey Highway and SR 85, in south San José. The project site is comprised of 10 parcels [Assessor Parcel Numbers (APNs): 706-08-008, 706-08-009, 706-08-010, 706-08-011, 706-08-012, 706-08-015, 706-08-019, 706-08-020, 706-09-107, and 706-09-116].

The project site is bounded by Great Oaks Boulevard to the north³ of the project site, Tuscon Way⁴ to the east of the site, SR 85 to the south, and Manassas Road and the Hitachi campus to the west of the project site. A regional map and vicinity map are shown on Figures 1 and 2, respectively. An aerial photograph of the project site and surrounding land uses is shown on Figure 3.

C. BACKGROUND INFORMATION

Project Site History

iStar Financial owns an approximately 74-acre property in south San José near the intersection of Monterey Highway and State Route 85 (SR 85). The property currently has a General Plan land use designation of *Industrial Park* and is zoned *IP-Industrial Park*. Most of the project site consists of undeveloped land and non-commercial orchard trees. The northeast corner of the project site contains several unoccupied buildings and a concrete pad.

Prior to iStar Financial's purchase of the project site in June 2000, IBM owned the site. IBM had originally intended to use the site as expansion space to further develop the manufacturing plant erected in 1956. The project site was never developed by IBM. The site was sold to iStar Financial in 2000. iStar Financial purchased the site for use by Equinix, a provider of network data centers and internet exchange services, to develop large internet exchange facilities on the site.

³ Due to the physical orientation of the site, the true northern boundary of the site is located near the Great Oaks Boulevard and Manassas Road intersection. However, for the purposes of this report, Great Oaks Boulevard will be considered the northern boundary and Manassas Road will be considered the western boundary of the site.

⁴ Tuscon Way is a former roadway that is abandoned, but physically still exists to the east of the site.

Figure 1 Regional Map

Figure 2 Vicinity Map

Figure 3 Aerial Photograph with Surrounding Land Uses

Edenvale Redevelopment Project Area and Edenvale Area Development Policy

The Edenvale Redevelopment Project Area was the subject of an EIR in 2000 that addressed the construction of approximately 7.88 million square feet of industrial uses within the 451-acre plan area, and encompassed several geographic subareas on both sides of US Highway 101 in southern San José. The proposed project site is within Area 2 of the Edenvale Redevelopment Project Area, which is commonly referred to as “Old” Edenvale (refer to Figure 4).

The current Edenvale Area Development Policy (EADP) was adopted by the City Council in November 2000 and amended in June 2005, under the General Plan policy provision that allows the Council to establish special traffic level of service standards for a specific geographic area under certain circumstances.

The EADP was specifically adopted for the purpose of allowing ongoing industrial and office development in the Redevelopment Area. It did not include any provision for assessing traffic from commercial development within the Redevelopment Area. An amendment in 2003 allowed for the inclusion of a Lowe’s store within the EADP. A subsequent amendment in 2005 allowed commercial and residential land uses to be added to the Hitachi site. As part of this project, therefore, the EADP would be amended to include the commercial uses proposed on the site.

Previous Environmental Review

A Planned Development Permit (PDSH 02-024) was approved in 2002 to implement the Planned Development zoning (PDC01-093) for 1,494,700 square feet of industrial/research and development and commercial support uses on the project site. This prior approval also included the construction of an approximately 250,000 square foot communication service exchange facility (with up to 16 back-up generators), and a private electrical substation, on an approximately 18.27-acre portion of the project site. The project approvals also included a vesting tentative map.

The environmental review for the previously approved PD zoning was based on the Edenvale Redevelopment Project Area EIR. The approval included mitigation measures related to the project’s significant impacts on transportation, air quality, noise, biological resources, cultural resources, and hazardous materials impacts. Completion of Great Oaks Boulevard as a two-lane public street along the site frontage was also required and funded by the applicant. A tree removal permit was also approved as part of the project (TRSH 02-040).

D. DESCRIPTION OF THE PROPOSED PROJECT

The project proposes two General Plan Amendments (GPAs) and a rezoning. The Edenvale Area Development Policy (EADP) would also need to be updated to provide for inclusion of commercial uses on the site. The proposed GPAs would update the General Plan Mixed-Use Inventory Appendix F and change the General Plan Land Use/Transportation Diagram designation on the site from *Industrial Park* to *Mixed Use with No Underlying Land Use Designation*. The proposed text amendment would increase the maximum allowable building height on the entire property to 120 feet. Currently, most of the site has an allowable maximum height of 50 feet. The southern portion of the project site, however, is within walking distance—2,000 feet—to the Santa Teresa Light Rail Station: this portion of the site is considered a Transit Area and the allowable maximum height for a Transit Area is 120 feet (Urban Design Policy 10) (refer to Figure 5).

Figure 4 Edenvale Redevelopment Policy Areas

Figure 5 Allowed Building Heights

The proposed PD zoning would change the existing *IP-Industrial Park* zoning designation to *IP(PD)-Planned Development*. The GPA and PD zoning would allow for the development of a mix of industrial and commercial uses on the project site. The project also proposes to dedicate approximately two acres of land for future roadways (refer to Figure 9).

1. Overall Development Concept

The project site is 74 acres in size. The northeast corner of the site contains several unoccupied buildings (refer to Figure 6). The majority of the site, however, consists of vacant, undeveloped land and orchard trees. The project proposes preserve the existing fruit dehydrator building and relocate, salvage, or remove the other existing structures on the site,⁵ and develop a mix of industrial office/research and development (R&D) uses and commercial/retail uses. Generally, it is envisioned that the northern portion of the project site would be developed with office/R&D uses and that the southern portion of the project site be developed with commercial/retail uses (refer to Figure 7). The proposed PD zoning, however, would allow for flexibility and overlap of these uses on the site.

Details regarding the types and amount of proposed development are provided below in the Planned Development Zoning section.

2. General Plan Amendment

Land Use Designation

The project site currently has a General Plan land use designation of *Industrial Park*. The *Industrial Park* designation is an exclusively industrial designation intended for a wide variety of industrial uses, such as R&D, manufacturing, assembly, testing, and offices.

The project proposes an amendment to the San José 2020 General Plan Land Use/Transportation Diagram to change the existing land use designation on the project site from *Industrial Park* to *Mixed Use with No Underlying Land Use Designation*. The proposed land use designation requires a combination of a minimum of two uses, with either of the two qualifying uses occupying at least 10 percent of the site area or 10 percent of the total building square footage proposed. The General Plan requires that the project's specific mix of land uses be identified in Appendix F of the General Plan, which would identify that up to 450,000 square feet of commercial development be allowed on the project site and specify that up to one million square feet of industrial development be allowed as part of the currently proposed project [as compared to the 1.5 million square feet of industrial/research and development (R&D) and commercial support uses originally approved for the project site].

⁵ Refer to the Development Standards (Figure 11).

Figure 6 Existing Buildings On Project Site

Figure 7 Illustrative Site Plan

Building Heights

The proposed revisions to the General Plan also include a text change to update the General Plan Mixed-Use Inventory Appendix F and Urban Design Policy 10, specifying that the maximum height of buildings allowed on the site would be 120 feet. Most of the site currently has a maximum allowable height of 50 feet. The southern portion of the site, within 2,000 feet of the Santa Teresa Light Rail Station, already has a maximum allowable height of 120 feet (refer to Figure 5). As part of the proposed GPA, the entire site would have a maximum allowed height of 120 feet.

Roadway Network

General Plan Roadway Network

The City's General Plan assumes that Great Oaks Boulevard will be widened into a four lane arterial and that Manassas Road and White Plains Road will become public roadways (refer to Figure 8).

Proposed Project Roadway Network

Great Oaks Boulevard is currently a two lane public street which runs along the northern property boundary terminating at a cul-de-sac at the Hitachi-iStar property line (refer to Figure 2). The existing road was constructed as part of the Edenvale Redevelopment Project and was built from Community Facilities District 6 funds. The existing roadway area is 60 feet wide and was previously part of the project site. No expansion of Great Oaks Boulevard is proposed as part of the project. The project, however, does propose to dedicate an approximately 30 foot right-of-way along the northern portion of the site to allow for the future widening of Great Oaks Boulevard.

White Plains Road is a two lane private street located on the project site that provides access from the site to Via del Oro. This roadway currently serves as private access to the adjacent Hitachi campus. In conformance with the General Plan Roadway Network, Via del Oro would be made public as part of the project.

As part of the proposed project, public north-south and west-east roadways would be constructed, providing access through the project site and connecting to Great Oaks Boulevard and Via del Oro. These roadways would be constructed to the satisfaction of the Director of Public Works. Figure 7 shows possible future public or private roadway alignments through the site.

3. Proposed Development Zoning

The site is currently zoned *A(PD) Planned Development* and has entitlements to build up to approximately 1.5 million square feet of office/R&D uses on the site. In conjunction with the requested GPA, the project proposes a rezoning that would change the existing *IP-Industrial Park* zoning designation to *IP(PD)-Planned Development*. The specific development project proposed would allow for a mix of industrial and commercial land uses on the site.

Figure 8 General Plan Roadway Network

Figure 9 Conceptual Site Plan

Figure 10 Conceptual Cross-Section Views of the Proposed Project

Development Standards

A set of development standards has been prepared to establish the overall character of development on the project site and to provide specific direction to ensure a level of quality of development over time. The development standards also specify the preservation of the fruit dehydrator building located on-site. While the conceptual site plan on Figures 9 and 10 show how the proposed PD Zoning project might be built, the “project” evaluated in this EIR is defined as described above and by these development standards. The proposed development standards and design guidelines are shown on Figure 11 and provided in Appendix B of this EIR.

Proposed Office/R&D Uses

As mentioned above, the project site already has entitlements to construct up to approximately 1.5 million square feet of industrial/R&D and commercial support uses. The currently proposed development project would allow up to one million square feet of office/R&D uses on the site (a reduction of approximately 500,000 square feet from what is currently allowed). The office/R&D uses could include corporate headquarters, as well as several mini-industrial campuses. Uses permitted include: office, R&D, business and administration, light manufacturing and assembly, printing and publishing, catalogue and mail order, commercial support, recreational facilities, conference and training facilities, wireless communication antenna, communications service exchange, private power generation and electrical substation, and childcare facilities.⁶

Generally, it is envisioned that the northern portion of the project site would be developed with office/R&D uses (refer to Figure 7). The proposed PD zoning, however, would allow for development of office/R&D uses anywhere on the site. The minimum setbacks for the office/R&D uses are listed on Figure 11. The conceptual site plan⁷ shows six, five-story industrial buildings (approximately 85 feet tall), totaling approximately one million square feet in the northern half of the project site. These buildings are shown fronting onto Manassas Road, and Great Oaks Boulevard, which would be the intent under the proposed PD zoning (refer to Figure 9).

Parking for the office/R&D uses in this conceptual plan is shown in two, three-story parking structures and surface parking lots. The actual number of buildings, landscape configuration, location of parking, and other elements of this site plan may be very different from the conceptual site plan in Figure 9. The project design will, however, conform to the standards established in the PD Zoning, which includes consistency with the City’s adopted Industrial and Commercial Design Guidelines (refer to Figure 11).

⁶ Note: Childcare facilities will be required to obtain a Conditional Use Permit, as required by the proposed PD zoning and comply with all federal, state, and local law regulations for locating and licensing childcare facilities.

⁷ Note: Figures 9 and 10 are “conceptual” illustrations of how the project might be built. The proposed uses could be arranged differently than shown on these Figures, in conformance with the development standards.

Figure 11 Development Standards

Proposed Commercial/Retail Uses

The proposed PD zoning would also allow development of up to 450,000 square feet of commercial uses on the site. The commercial/retail uses would include those allowed under the *CG-Commercial General District* of the City of San José Zoning Ordinance, with the exception of uses identified in Table 21-90 as “residential” and “vehicle related uses.” The *CG-Commercial General District* allows for a full range of retail and commercial uses with a local or regional market. The proposed retail may include large, destination-oriented uses such as home improvement, clothing, electronics, and home furnishings, as well as food and service-oriented retail uses.

Generally, it is envisioned that the southern portion of the project site be developed with commercial/retail uses (refer to Figure 7). The proposed PD zoning, however, would allow for development of commercial uses anywhere on the site. The conceptual site plan shows 13, one-story buildings (approximately 25 to 35 feet tall), totaling approximately 450,000 square feet on the southern half of the project site. These buildings are shown around the perimeter of the site, mainly fronting SR 85 and Manassas Road, with surface parking shown in the center of the site (refer to Figure 9).

Access and Circulation

Currently, public street access to the project site is provided via a cul-de-sac at Great Oaks Boulevard and a private street connection to Via Del Oro. The adjacent Hitachi campus connects to the project site via a network of private streets that are currently gated at the property line shared by the Hitachi campus and project site, but will be modified and upgraded to public streets with the approved Hitachi project.⁸ Direct access to the project site from the Hitachi campus is provided by White Plains Road, a private roadway along the southern boundary of the campus.

Great Oaks Boulevard is planned to be widened to a four-lane public street from Cottle Road to SR 85, which includes the project site frontage. No expansion of Great Oaks Boulevard is proposed as part of the project. The project, however, does propose to dedicate an approximately 30 foot right-of-way along the northern portion of the site to allow for the future widening of Great Oaks Boulevard.

As part of the project, public access to the project site will be available via Great Oaks Boulevard and White Plains Road. Additional public north-south and west-east roadways are proposed as part of the project, providing access through the project site and connecting to Great Oaks Boulevard and Via del Oro. Refer to Figure 7 for possible future public or private roadway alignments.

Parking

The project proposes to provide parking for the industrial and commercial uses on the site, generally in accordance with the parking standards in the City of San José Zoning Ordinance (refer to Appendix B). The parking standard proposed by the project for the industrial uses

⁸ Public access through the Hitachi campus is planned as part of a recently approved GPA and PD zoning of that property.

can be reduced by up to 25 percent because of the site's proximity to transit and "the opportunity for shared parking with the retail uses."⁹ Parking for the project could be provided in multi-level parking structures and/or multiple surface parking lots.

4. Amendment to the Edenvale Area Development Policy and Implementation Plan

The project site is located within Area 2 of the Edenvale Redevelopment Project Area (ERPA). Overall, the ERPA encompasses a total of 451 acres on both sides of US 101 in southeastern San José. Development in this Redevelopment area was planned in the 1970's and 1980's. An update of the planning and CEQA processes in the late 1990's included a re-examination of the infrastructure needs for the area, the establishment of the Edenvale Area Development Policy (EADP), and creation of various assessment and community facilities districts to finance infrastructure improvements.

The current EADP was adopted by the City Council in November 2000 and amended in October 2003 and in June 2005, under the General Plan policy provision that allows the Council to establish special level of service standards for a specific geographic area under certain circumstances. The primary purposes of adopting the EADP were identified as:

- Manage the traffic congestion associated with near-term development in the Edenvale Redevelopment Area;
- Promote General Plan goals for economic development; and
- Encourage a reverse commute to jobs at southerly locations in San José.

The EADP states that it was intended to allow up to five (5) million square feet of new industrial development in Edenvale Redevelopment Area that is located east of US 101, and acknowledges that significant congestion will occur at area intersections until major roadway improvements are constructed. The policy allowed the Transportation Level of Service of nearby intersections to deteriorate to levels in excess of existing policies for a temporary period of time.

The EADP identified the timing of improvements, such that unacceptable level of service levels were permitted at some locations, specifically at the interchanges of US 101/Hellyer Avenue and US 101/Blossom Hill/Silver Creek Valley Road (also known as the Gateways) on a temporary basis, until a specified level of industrial development was complete in the EADP area.

Most of the roadway improvements required to accommodate the planned development were funded through these districts. Originally, Edenvale had four distinct areas of development. Areas 1, 3, and 4 were included in the EADP. The transportation improvements identified as a result of development of these areas were funded by an improvement district, which included the Gateway improvements, various transportation mitigation and frontage improvements.

Area 2, which includes the project site, identified transportation improvements and mitigations independent of Areas 1, 3, and 4. A Community Facilities District (CFD) was

⁹ No details are available at this time on how the shared parking concept might be implemented.

formed to facilitate a number of off-site transportation roadway improvements as mitigation for the entire Area 2 entitlement, including the project site and a number of other properties. In addition, the CFD provided a financing mechanism for the project site to fund and construct frontage improvements along Great Oaks Boulevard, which is not policy transportation mitigation. The frontage improvement would have been a project requirement upon development of the project site.

The project site was included in the formation of Community Facilities District 6 to fund the extension of Great Oaks Boulevard through the property and to facilitate a number of off-site roadway improvements as mitigation for the current entitlements on the site and a number of other properties in the Old Edenvale area. One hundred percent of the cost of Great Oaks Boulevard was assessed against the project site.

The currently proposed project includes an amendment to the Edenvale Area Development Policy to reflect the commercial development now proposed by the project on this site. See *Section II.B. Transportation* of this EIR for a discussion of the transportation impacts that would result from this proposed change.

E. PROJECT OBJECTIVES

The City's overall objectives for development on the site are to create an innovative high quality mixed-use (office/R&D, commercial/retail), transit-oriented development that will further the City of San José's General Plan and economic goals for south San José. Specifically, the City's objectives for this project include the following:

- Maximize use of transit by creating a walkable, transit-oriented, mixed use, urban community and by increasing employment opportunities near transit; and
- Develop underutilized property into a well planned mixed-use development that takes advantage of the existing nearby transit facilities based on principles of "smart growth."

The project applicant's main objective is to prepare the project site for marketing and future development by modifying the land use entitlement and General Plan land use designation to:

- Create mixed-use R&D/office and retail development on a greater than 60-acre infill site adjacent to transit facilities;
- Complement the adjacent Hitachi proposal by creating a comprehensively planned development that enhances the mixed-use vision for the Edenvale area;
- Preserve up to one million square feet of R&D/office use and introduce up to 450,000 square feet of retail uses in Edenvale;
- Provide immediate and long-term revenue to City's General Fund, especially through retail uses that will strengthen and expand the City's sales tax revenue;
- Address the City's unmet retail demand and capture sales tax revenue leaking out of San José;
- Generate both long-term and immediate jobs (including construction jobs) proximate to housing in South San José;

- Provide the flexibility of both R&D/office and retail on project site and preserve R&D/office uses by intensifying development standards; and
- Provide opportunity for immediate economic development that will help attract future industrial development in Edenvale.
- Sell the project site to a developer that would create a project that is consistent with the City's General Plan policies and the Industrial Conversion Framework.

F. USES OF THE EIR

This EIR will provide decision-makers in the City of San José and the general public with relevant environmental information to use in considering the proposed project. It is proposed that this EIR be used for appropriate project-specific discretionary approvals necessary to implement the project, as proposed. These discretionary actions include the following:

- | | |
|------------------|--|
| City of San José | <ul style="list-style-type: none"> • Amendments to the City of San José's General Plan, including the following: <ul style="list-style-type: none"> - Change the land use designation from <i>Industrial Park</i> to <i>Mixed Use with No Underlying Land Use Designation</i> - Text amendments to Appendix F of the General Plan to reflect the proposed land use mix of industrial office/R&D and commercial/retail on the site. - Text amendment to Urban Design Policy 10 to change the maximum allowable building height from 50 feet to 120 feet. • Planned Development (PD) Rezoning • Planned Development (PD) Permit(s) • Amendment to Edenvale Redevelopment Plan • Amendment to Edenvale Area Development Policy • Vesting Tentative Maps and Final Maps • Contracts for public infrastructure construction • Storm Water Pollution Prevention Plan • Tree Removal Permit(s) • Grading and Building Permits • Potential use of eminent domain for acquisition of real property street improvements |
|------------------|--|

G. CONSISTENCY WITH RELEVANT PLANS AND POLICIES

In conformance with Section 15125(d) of the CEQA guidelines, this section of the Draft EIR discusses how the project complies with existing, relevant regional plans and policies and the City's General Plan and applicable plans and policies.

1. Regional Plans

Bay Area 2000 Clean Air Plan

The 1982 *Bay Area Air Quality Plan* and 2000 *Clean Air Plan* (CAP) established regional policies and guidelines to meet the requirements of the Clean Air Act, as amended through 1990. The Bay Area is a non-attainment area for ozone and particulate matter (PM₁₀), since federal standards are exceeded for these pollutants.

The CAP includes measures and improvements to help the Bay Area comply with the State's ozone standard, and is the current regional strategy for improving air quality. The CAP proposes the adoption of transportation, mobile source and stationary source controls on a variety of pollutant sources to offset population growth and provide improvement in air quality.

The consistency of the proposed project with the CAP is primarily a question of consistency with population/employment assumptions that were utilized in developing the CAP. The CAP was based on the City's General Plan in effect at the time the CAP was approved and the Association of Bay Area Governments (ABAG) *Projections '98*.

Consistency: The proposed GPA would change the land use designation on the project site from *Industrial Park* to *Mixed Use with No Underlying Land Use Designation*. The proposed designation requires a minimum combination of two uses on the site. The proposed mixed uses include industrial and commercial uses.

The proposed PD Zoning would allow for up to one million square feet of office/R&D development and up to 450,000 square feet of commercial/retail development. The addition of commercial/retail would intensify the use of the project site, generating more traffic trips. Construction activities associated with the development of the project will generate temporary air pollution impacts.

The proposed industrial development at the project site, however, would not allow growth that has not already been anticipated in the General Plan under the current *Industrial Park* designation. Future commercial and retail development proposed by the project would serve the existing community. The project, therefore, would not be growth inducing. The project site is within walking distance of a Valley Transportation Authority (VTA) light rail station, located south of SR 85. For these reasons, the proposed project would not be inconsistent with the Clean Air Plan.

San Francisco Bay Region Water Quality Control Plan

The Regional Water Quality Control Board (RWQCB) has developed and adopted a Water Quality Control Plan (the Plan) for the San Francisco Bay region. The Plan is a master policy document that contains descriptions of the legal, technical, and programmatic bases of water quality regulations in the San Francisco Bay region. The Regional Board first adopted a water quality control plan in 1975 and the last major revision was adopted in 1995.

The Plan provides a program of actions designed to preserve and enhance water quality and to protect beneficial uses based upon the requirements of the Porter-Cologne Act. It meets the requirements of the U.S. Environmental Protection Agency (EPA) and establishes conditions related to discharges that must be met at all times.

The implementation portion of the Plan includes descriptions of specific actions to be taken by local public entities and industries to comply with the policies and objectives of the Plan. These include measures for urban runoff management and agricultural wastewater management. As of June 2002, the Plan also includes an amendment which requires the identification of Total Maximum Daily Loads (TMDLs) for each water-body within the jurisdiction of the RWQCB. A TMDL defines the specified maximum amount of a pollutant which can be discharged into the water-body from all combined sources. These water-body specific targets are considered necessary by the EPA in order to attain water quality standards in an impaired watercourse.

Consistency: Development allowed under the proposed General Plan designation would increase storm water runoff compared to existing conditions. Similar to the development which would currently be allowed under the existing entitlements, future development would cover most of the site with impervious surfaces and, therefore, increase the amount of runoff above the existing levels. Development on the site would, however, conform to the requirements of the City of San José regarding erosion and sedimentation control during construction, including preparation and conformance with a Storm Water Pollution Prevention Plan (SWPPP), which identifies specific measures for reducing construction and post construction impacts. Any new development would also be subject to Best Management Practices (BMPs), which would likely improve the quality of storm water runoff (refer to *Section II.I. Hydrology and Water Quality*). Therefore, the project would be consistent with the San Francisco Bay Region Water Quality Control Plan.

Santa Clara Valley Urban Runoff Pollution Prevention Program, National Pollution Discharge Elimination System Permit, and Hydromodification Plan

The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP), previously called the Santa Clara Valley Nonpoint Source Program, was developed in accordance with the requirements of the 1986 San Francisco Bay Basin Water Quality Control Plan, for the purpose of reducing water pollution associated with urban storm water runoff. This program was also designed to fulfill the requirements of Section 304(1) of the Federal Clean Water Act, which mandated that the EPA develop National Pollution Discharge Elimination System (NPDES) Permit application requirements for various storm water discharges, including those from municipal storm drain systems and construction sites.

Additional water quality control measures were approved in October 2001, when the Regional Water Quality Control Board (RWQCB) adopted an amendment to Provision C.3 of the NPDES permit for Santa Clara County. This amendment requires all new and redevelopment projects, which result in the addition or replacement of impervious surfaces totaling one acre or more, be designed with Best Management Practices (BMPs) and meet the requirements from the Hydromodification Plan. The purpose of implementing the HMP is to ensure that post project runoff does not exceed estimated pre-project rates, durations, and volumes from the project site (Provision C.3.f.i). The City has recently completed their HMP and it was approved by the City Council on October 18, 2005.

Consistency: Development on the site will be required to implement erosion control and storm water management practices during project construction, in accordance with the SCVURPPP, NPDES permit, and HMP requirements. Potential impacts to the water quality of runoff could occur during construction. Runoff-borne pollution and associated impacts would increase both during and after construction of future development on the site.

Section II.I. Hydrology and Water Quality of this EIR identifies programmatic and project-specific mitigation measures, including conformance with the SCVURPPP, which will serve to reduce water quality impacts from the development allowed by the proposed project. For these reasons, the proposed project would be consistent with the Santa Clara Valley Urban Runoff Pollution Prevention Program.

Santa Clara County Congestion Management Program

The Santa Clara County Valley Transportation Authority (VTA) functions as the County's Congestion Management Agency and oversees the *Santa Clara County Congestion Management Program* (CMP). The relevant state legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of the increased gas tax revenues. The CMP legislation requires that each CMP contain five mandatory elements: 1) a system definition and traffic level of service standard element; 2) a transit service and standards element; 3) a trip reduction and transportation demand management element; 4) a land use impact analysis element; and 5) a capital improvement element. The Santa Clara County CMP includes the five mandated elements and three additional elements, including: a county-wide transportation model and data base element, an annual monitoring and conformance element, and a deficiency plan element.

Consistency: The traffic analysis completed for the project was prepared in accordance with the standards of the CMP and evaluates impacts on regional roadway segments, consistent with CMP policies. As discussed in *Section II.B. Transportation*, the project is consistent with the provisions of the CMP.

2. Local Plans

Industrial Conversion Framework

The City's *Framework, as a Guideline, to Evaluate Proposed Conversions of Employment Lands to Other Uses* was approved in April 2004. The purpose of the Framework is to create more certainty and predictability in the review of employment land conversion proposals while retaining flexibility to respond to changing conditions, information, and policy considerations. The project site is located within an area identified in this Framework as

appropriate to be considered for conversion to housing, retail, mixed use, or other Household Serving Industries in certain circumstances.

Consistency: The project site is currently designated for industrial development. The project proposes a GPA and rezoning of the project site to allow a mix of industrial and commercial uses on the site. According to the City's Framework, the project site is located in an area that is considered appropriate for conversion to retail and mixed use in certain circumstances. For this reason, the proposed project would be generally consistent with the City's Industrial Conversion Framework.

City of San José 2020 General Plan

The *San José 2020 General Plan* (the "General Plan") is the document that contains the City's official policies regarding the future character and quality of development in San José. The General Plan includes major strategies, along with numerous goals and policies that are designed to achieve the goals that are embodied in the major strategies.

The following text describes those General Plan strategies and policies that are applicable to this project, as well as any inconsistency between the two. A summary of the text discussion is presented in Table 1.

Land Use/Transportation Diagram

The Land Use/Transportation Diagram is essentially a large map that depicts all of the planned land use throughout San José, plus the primary transportation network that is proposed to support the land uses. The planned transportation network for the project area is shown on Figure 8. The land uses that are shown on the Diagram are the product of comprehensive land use planning, with a goal of promoting efficient and compatible uses of land.

Consistency: The project proposes to amend the General Plan Land Use/Transportation Diagram land use designation of the project site from *Industrial Park* to *Mixed Use with No Underlying Land Use Designation*. By definition, therefore, the proposed project is not consistent with the current land use designation for the project site on the Land Use/Transportation Diagram.

The project proposes a roadway network similar to the City's planned transportation network (refer to Figures 7 and 8). For this reason, the project would be consistent with the City's Transportation Diagram. Overall, the project is somewhat consistent with the Land Use/Transportation Diagram.

Major Strategies

Economic Development Strategy

The City of San José's Economic Development Strategy strives to make San José a more "balanced community" by encouraging more commercial and industrial development to balance the existing residential development. The City has a current (as of 2004) jobs/housing balance of 1.05 (1.05 jobs in the City per employed resident). Therefore, the City has slightly more jobs than employed residents.

Consistency: The project site has approved entitlements for the development of up to approximately 1.5 million square feet of office/research and development (R&D). The project proposes to rezone the project site to allow up to one million square feet of office/R&D uses and up to 450,000 square feet of commercial uses. Industrial and commercial development on the site will increase the City's tax base. The project does not propose new housing, but would reduce the amount of planned jobs in the City by approximately 1,156. For this reason, the project is somewhat consistent with this strategy.

Sustainable City Strategy

The Sustainable City Major Strategy is a statement of San José's commitment to becoming an environmentally and economically sustainable city. Programs promoted under this strategy include recycling, waste disposal, water conservation, transportation demand management, and energy efficiency. The Sustainable City Strategy is intended to support these efforts by encouraging development that is designed and built in a manner consistent with the efficient use of resources and environmental protection.

Consistency: Future development of the site would be designed to conform to adopted San José 2020 General Plan policies. Compliance with those policies will increase the likelihood that the project will be designed to minimize traffic congestion and corresponding air pollution, and environmental degradation. For this reason, the proposed project would be substantially consistent with the Sustainable City Strategy.

Growth Management Strategy

The purpose of the Growth Management Major Strategy is to find the delicate balance between the need to house new population and the need to balance the City's budget, while providing acceptable levels of service. The City's strategy for growth management can best be described as the prudent location of new development to maximize the efficient use of urban facilities and services and, to this end, the General Plan encourages infill development within urbanized areas.

Consistency: The proposed project would allow for the development of industrial and commercial uses on an infill site. The project will serve the existing community and does not propose new housing, therefore, the project is not considered to promote population growth. For these reasons, the proposed project is consistent with the City's Growth Management Strategy.

Goals and Policies

The General Plan contains many policies regarding land use development, provision of services and facilities, and the protection of environmental resources. The following discussion focuses on those goals and policies most relevant to the proposed project.

Balanced Community Goal

The City's Balanced Community Goal is to develop a balanced and complete community in terms of land use distribution and densities, housing types and styles, economic development and job opportunities, and opportunities for social and cultural expression.

Consistency: The project site is currently underutilized and designated for industrial uses. The project proposes a GPA and a PD zoning to allow for industrial development, as well as commercial development, on the site. Future industrial and commercial uses would foster economic development and create job opportunities. For these reasons, the proposed project would be consistent with the Balanced Community Goal.

Balanced Community Policy 1 states that the City should foster development patterns which will achieve a whole and complete community in San José, particularly with respect to improving the balance between jobs and economic development on the one hand, and housing resources and a resident work force on the other. A perfect balance between jobs and housing may not be achievable but the City should attempt to improve this balance to the greatest extent feasible.

Consistency: Most of the project site is undeveloped, however, the site has entitlements to develop up to approximately 1.5 million square feet of office/R&D uses. The project proposes to develop up to one million square feet of office/R&D uses and up to 450,000 square feet of commercial/retail uses on the site. Compared to existing conditions, the development of the proposed project would result in new jobs. In comparing the proposed project to the existing entitlements, however, the proposed project would actually result in the net loss of 1,156 jobs. The City has a current (as of 2004) jobs/housing balance of 1.05 (1.05 jobs in the City per employed resident). Therefore, the City has slightly more jobs than employed residents. The loss of 1,156 jobs would reduce the number of planned jobs in the City. For this reason, the proposed project would be somewhat consistent with this policy.

Balanced Community Policy 5 states that developers of large industrial, commercial, or residential project should be encouraged to identify and appropriately address the potential need generated by these projects for child care facilities or services.

Consistency: Child care facilities are not specifically proposed by the project. Child care facilities, however, would be permitted under the proposed GPA and PD Zoning (see discussion in *Section II.A. Land Use*). The project, therefore, is consistent with Balanced Community Policy 5.

Commercial Land Use Goal

The City's Commercial Land Use Goal is to provide a pattern of commercial development which best serves community needs through maximum efficiency and accessibility.

Consistency: The proposed commercial/retail development would include uses allowed under the *CG-Commercial General District* of the City of San José Zoning Ordinance, with the exception of uses identified in Table 21-90 as "residential" and "vehicle related uses." The *CG-Commercial General District* allows for a full range of retail and commercial uses with a local or regional market. Development is expected to include larger commercial centers, as well as regional malls. The proposed retail on the site may include large, destination-oriented uses such as home improvement, clothing, electronics, and home furnishings, as well as food and service-oriented retail uses.

It is anticipated that future uses would serve the existing community and be accessible from Great Oaks Boulevard and Via Del Oro or Tuscon Way, through the Hitachi/IBM campus

from the Cottle Road/Poughkeepsie Drive intersection, local bus services in the project area, the Santa Teresa light rail transit (LRT) service, and the Blossom Hill Caltrain station. The project site is also accessible to cyclists and pedestrians from surrounding streets. For this reason, the proposed project would be consistent with the Commercial Land Use Goal.

Commercial Land Use Policy 1 states that commercial land in San José should be distributed in a manner that maximizes community accessibility to a variety of retail commercial outlets and services and minimizes the need for automobile travel. New commercial development should be located near existing centers of employment or population or in close proximity to transit facilities and should be designed to encourage pedestrian and bicycle access.

Consistency: The project proposes a mix of industrial and commercial uses on the site. The proposed commercial development would be located in proximity to the Blossom Hill Caltrain Station and the Santa Teresa LRT Station. The specific development project proposes a pedestrian and bicycle network throughout the project site to facilitate pedestrian access between the proposed industrial and commercial uses. For these reasons, the proposed project would be consistent with the Commercial Land Use Policy 1.

Commercial Land Use Policy 11 states that the City encourages developers of large commercial projects to identify and appropriately address the potential need generated by these projects for child care facilities or services.

Consistency: Child care facilities or services would be permitted under the proposed GPA and PD zoning (see discussion in *Section II.A. Land Use* of this EIR). Therefore, the project is consistent with Commercial Land Use Policy 11.

Commercial Land Use Policy 13 states that roads, buildings and landscaping for new commercial development should be designed and oriented to maximize energy conservation benefits for space heating and cooling to the extent feasible.

Consistency: Future commercial development on the site would be designed and oriented to maximize energy conservation benefits for space heating and cooling to the extent feasible. Therefore, the project would be consistent with this policy.

Industrial Land Use Goal

The City's Industrial Land Use Goal is to provide sufficient land for a variety of industrial uses that is distributed to provide optimum commute access and to promote a balanced distribution of jobs and housing to reduce traffic congestion and air pollution.

Consistency: The project proposes to amend the General Plan to allow for the development of industrial and commercial uses on the site. The project site is located along Monterey Highway and SR 85. The site is also in proximity to the Santa Teresa LRT Station. As mentioned previously, the site is currently entitled for up to approximately 1.5 million square feet of office/R&D development. The project proposes to rezone the site to allow for a mix of industrial and commercial uses. The project would preserve up to one million square feet of the approved 1.5 million square feet of office/R&D development on the site. Because the project would not preserve all of the industrial entitlements, the project would not be fully consistent with the Industrial Land Use Goal.

Industrial Land Use Policy 1 states that industrial development should incorporate measures to minimize negative impacts on nearby land uses.

Consistency: The project site is currently approved for industrial development and is located within an industrial area. The project proposes to develop a mix of industrial and commercial uses on the site. The commercial uses allowed under the proposed project include sensitive commercial uses, such as child care facilities. The project proposes mitigation measures to reduce land use compatibility impacts between industrial uses and sensitive commercial uses to a less than significant level (refer to *Section II.A. Land Use*). For this reason, the proposed project would be generally consistent with the Industrial Land Use Policy I.

Industrial Land Use Policy 2 states that the City should encourage the development of new industrial areas and the Redevelopment of existing older or marginal industrial areas, particularly in locations which facilitate efficient commute patterns.

Consistency: The development of industrial office/R&D and commercial/retail uses on the project site would place jobs in proximity to substantial existing and planned residential neighborhoods in Edenvale, South San José, and Evergreen. For this reason, the project would be consistent with Industrial Land Use Policy 2, but less so than the current entitlements on the site.

Industrial Land Use Policy 5 states that in areas reserved exclusively for industrial uses, only limited auxiliary and incidental commercial uses may be permitted when the uses are of a scale and design providing support only to the needs of businesses and their employees in the immediate industrial area.

Consistency: The project proposes a General Plan amendment to change the land use designation on the project site from *Industrial Park* to *Mixed Use with No Underlying Land Use Designation*. The proposed project would allow for the development of office/R&D uses and commercial/retail uses on the site. As a result, the proposed project would allow for the development of non-industrial uses on land currently designated only for industrial uses. For this reason, the proposed project would not be consistent with Industrial Land Use Policy 5.

Industrial Land Use Policy 7 states that the City encourages developers of large industrial projects to identify and appropriately address the potential need generated by these projects for childcare facilities or services. The provision of on-site childcare may be considered for a single tenant building in industrial areas primarily for use by employees of the industrial facility. Off-site, free-standing childcare facilities should not be considered in industrial areas, except for those areas that have been designated with the Mixed Industrial Overlay.

Consistency: Childcare facilities and services are not specifically proposed by the project. These uses, however, would be permitted under the proposed GPA and PD Zoning (see discussion in *Section II.A. Land Use*). The project, therefore, is consistent with the intent of this policy.

Industrial Land Use Policy 11 states that because of the importance in retaining viable industrial supplier/service lands and the inherent incompatibility between residential or non-industrial uses and industrial uses, new land uses that may restrict development of land reserved exclusively for industrial uses should not be allowed to locate adjacent to these areas

of the City, and in particular, sensitive receptors, should not be located near primary industrial areas.

Consistency: The project would conform to City guidelines and policies to reduce land use compatibility issues; however, the proposed project would allow for the development of sensitive commercial uses near existing and proposed industrial development. For this reason, the project would not be fully consistent with Industrial Land Use Policy 11.

Industrial Land Use Policy 12 states that employee intensive uses should be encouraged to locate near transit facilities.

Consistency: The project proposes industrial and commercial development in the vicinity of the Blossom Hill Caltrain Station and the Santa Teresa LRT Station. The project is therefore consistent with Industrial Land Use Policy 12, but less so than the current entitlements on the site.

Industrial Land Use Policy 14 states that non-industrial uses which would result in the imposition of additional operational, and/or mitigation requirements, or conditions on industrial users in a neighboring exclusively industrial area in order to achieve compatibility, are discouraged.

Consistency: The project proposes a mix of industrial and retail uses on the site. The project would conform to City guidelines and policies to reduce land use compatibility issues. However the project may allow the development of sensitive receptors (such as childcare centers, schools, and community centers which are allowed under the proposed commercial zoning) near industrial development. The project would, therefore, not be fully consistent with Industrial Land Use Policy 14.

Industrial Land Use Policy 15 states that exclusively industrial areas should be reserved for industrial uses to the extent possible.

Consistency: The project site is located in an industrial area. The proposed GPA would allow for the development of a mix of industrial and commercial uses on-site. Since the proposed land use designation would allow for non-industrial development in an industrial area, the project would not be consistent with Industrial Land Use Policy 15.

Industrial Land Use Policy 16 states that only non-industrial uses which are incidental to and totally compatible with primary industrial uses should be allowed in exclusively industrial areas.

Consistency: The proposed project would allow for a mix of industrial and commercial development on the site. The proposed project would conform to City policies and guidelines to reduce land use compatibility issues; however, the project would allow non-industrial uses that may not be incidental to the proposed industrial development on the site. For this reason, the project is not consistent with Industrial Land Use Policy 16.

Economic Development Goals

The City's first Economic Development Goal is to create more job opportunities for existing residents, particularly those who suffer from chronic unemployment, to improve the balance between jobs and resident workers. The City's second Economic Development Goal is to create a stronger municipal tax base by obtaining a greater share of the total industrial and commercial development in the County, protecting the exclusively industrial areas from incompatible development, and by nurturing and encouraging expansion of the existing industrial and commercial development in the City.

Consistency: The project site is currently undeveloped, but has received an entitlement to construct up to approximately 1.5 million square feet of industrial park uses. The project proposes a General Plan amendment that would allow for the development of industrial and commercial uses on the site. Industrial and commercial development would not worsen the City's jobs/housing imbalance. The introduction of non-industrial uses could potentially conflict with the industrial uses. Future industrial and commercial uses would be developed in conformance with the City's design guidelines and land use regulations that help minimize land use conflicts/impacts.

In addition, a separate proposal was recently approved on the adjacent 332-acre Hitachi/IBM campus (to the west of the project site) to change the land use designation from *Industrial Park* to *Mixed Use with no Underlying Land Use Designation*. The *Mixed Use with no Underlying Land Use Designation* requires a minimum of two uses, with neither of the two uses occupying less than 10 percent of the site area or less than 10 percent of the total building square footage. The proposed project would be compatible with the land uses under the recently approved Hitachi/IBM campus project. For these reasons, the project is consistent with Economic Development Goals 1 and 2.

Economic Development Policy 1 states that the City should reduce the present imbalance between housing and employment by seeking to obtain and maintain an improved balance between jobs and workers residing in San José.

Consistency: The project proposes the development of industrial and commercial uses, and not housing, on the site. The City currently (as of 2004) has a jobs/housing balance of 1.05 (1.05 jobs in the City per employed resident). The City, therefore, has slightly more jobs than employed residents. The project does not propose new housing, but would reduce the number of planned jobs in the City by approximately 1,156. For this reason, the proposed project is somewhat consistent with this policy.

Economic Development Policy 2 states that to enhance its economic development goals and increase employment opportunities for San José citizens, the City should protect the industrial lands designated exclusively for industrial uses.

Consistency: The General Plan amendment proposes to change the land use designation from *Industrial Park* to *Mixed Use with No Underlying Designation*. The proposed project would allow for a mix of industrial and commercial uses on the site. The project would, therefore, allow for non-industrial development on land that is currently designated only for industrial uses. For this reason, the proposed project would not be fully consistent with the Economic Development Policy 2, and would be less consistent than the current industrial entitlements.

Economic Development Policy 7 states that the City encourages a mix of land uses in the appropriate locations which contribute to a balanced economic base, including industrial suppliers and services, commercial support services, “green industries” as well as high technology manufacturers and other related industries.

Consistency: The proposed project would allow for a mix of industrial and commercial uses on the site. The project, therefore, would be consistent with Economic Development Policy 7.

Urban Design Goal

The City’s Urban Design Goal requires the highest standards of architectural and site design, and encourages the use of “Green Building” techniques for all development projects, both public and private.

Consistency: Development on the project site will incorporate energy efficient design features (refer to discussion in *Section II.L. Energy*) and will conform to applicable City of San José design guidelines. The proposed project is, therefore, consistent with the Urban Design Goal.

Urban Design Policy 1 states that the City should continue to apply strong architectural and site design controls on all types of development for the protection and development of neighborhood character and for the proper transition between areas with different types of land uses.

Consistency: Development on the project site will be conditioned to incorporate strong architectural and site design controls for the development of neighborhood character and for the proper transition between industrial and commercial uses. The proposed project, therefore, would conform to Urban Design Policy 1 through the development standards and design guidelines.

Urban Design Policy 2 states that private development should include adequate landscaped areas. Landscaped areas should utilize water efficient plant materials and irrigation systems. Energy conservation techniques such as vegetative cooling and wind shielding should also be utilized. All landscaped areas should include provision for ongoing landscape maintenance.

Consistency: The project would be required to conform to the City of San José’s Landscaping Guidelines and would include landscaped areas which utilize water efficient plant materials and irrigation systems. The project would also include energy conservation techniques such as vegetative cooling and wind shielding (refer to discussion in *Section II.L. Energy* of this EIR). All landscaped areas would include provision for ongoing landscape maintenance. For these reasons, the project would be consistent with Urban Design Policy 2.

Urban Design Policy 7 states that the City should require the undergrounding of distribution utility lines serving new development sites as well as proposed redevelopment sites. The City should also encourage programs for undergrounding existing overhead distribution lines. Overhead lines providing electrical power to light rail transit vehicles and high tension electrical transmission lines are exempt from this policy.

Consistency: All utility lines serving the proposed new development would be placed underground. The project, therefore, would be consistent with Urban Design Policy 7.

Urban Design Policy 8 states that design solutions should be considered in the development review process which addresses security, aesthetics, and public safety. Public safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum road widths and other standards set forth in relevant City Codes. All development projects should comply with the safety standards established in these referenced codes.

Consistency: The project would conform to City building design guidelines, City codes, and safety standards. The project, therefore, would be consistent with Urban Design Policy 8.

Urban Design Policy 10 states that the maximum building heights and forms are intended to address urban design considerations only. Other factors, such as compatibility with nearby land uses, may result in more restrictive height limitations. Building height, including all elements at a building whether occupied space or building features, should not exceed 50 feet, with the exceptions of areas listed in the General Plan under this policy. The areas of exception include Transit Areas, which are defined as areas within a reasonable walking distance—2,000 feet—to an existing or planned passenger rail station. Transit Areas have a maximum allowable building height of 120 feet.

Consistency: Most of the project site has an allowable maximum buildings height of 50 feet. The southern portion of the site, however, is located in a Transit Area, which has an allowable maximum building height of 120 feet (refer to Figure 5). The project proposes a text amendment to this policy to change the maximum allowable height on the entire project site to 120 feet. For this reason, the proposed project is not consistent with this policy.

Urban Design Policy 21 states that to promote safety and to minimize noise impacts in residential and working environments, development which is proposed adjacent to railroad lines should be designed to provide the maximum separation between the rail line and dwelling units, yards, or common open space areas, offices and other job locations, facilities for the storage of toxic or explosive materials and the like. To the extent possible, areas of development closest to an adjacent railroad line should be developed with parking lots, public streets, peripheral landscaping, the storage of non-hazardous materials and so forth. In industrial facilities, where the primary function is the production, processing or storage of hazardous materials, development should follow the setback guidelines and other protective measures called for in the City's *Industrial Design Guidelines* when such facilities are to be located adjacent to or near a main railroad line.

Consistency: The project would conform to applicable design guidelines to minimize safety concerns and noise impacts to adjacent uses to the railroad line. The project, therefore, would be consistent with Urban Design Policy 21.

Urban Design Policy 24 states that new development projects should include the preservation of ordinance-sized and other significant trees. Any adverse effect on the health and longevity of such trees should be avoided through appropriate design measures and construction practices. When tree preservation is not feasible, the project should include appropriate tree replacement.

Consistency: The project site has a total of 2,330 trees, 55 of which are ordinance-sized. To the extent possible, these trees will be preserved. If trees are removed, their loss will be mitigated appropriately. For this reason, the project would be consistent with Urban Design Policy 24.

Urban Design Policy 27 states that childcare facilities should be considered in the design of transit-oriented projects and mixed use projects that are suitably located for such facilities.

Consistency: Sensitive uses, such as childcare, residential care, or hospital facilities, are not specifically proposed by the project. These uses, however, would be permitted under the proposed GPA and PD Zoning (see discussion in *Section II.A. Land Use*). The project, therefore, is consistent with the intent of Urban Design Policy 27.

Urban Design Policy 29 states that to the extent practical, all new development should use construction products that are either made from recycled and/or salvaged materials, or can be reused and/or recycled.

Consistency: The project would use construction products that are either made from recycled and/or salvaged materials, or can be reused and/or recycled to the extent feasible (refer to *Section II.L. Energy*). The project, therefore, would be consistent with this policy.

Urban Design Policy 30 states that to maximum extent feasible, all new commercial and industrial buildings should be designed for adaptability to other uses in the future.

Consistency: The proposed industrial and commercial buildings would be required by the City to be designed for adaptability to other uses in the future to the extent feasible. The project, therefore, would be consistent with the intent of this policy.

Urban Design Policy 31 states that all streets should provide for pedestrian safety, convenience, and accessibility. Streets with high pedestrian volumes may require physical enhancements, such as medians, bulb outs, or other features, which narrow the crossing distance for pedestrians.

Consistency: The project design includes streets with sidewalks and physical enhancements, such as landscaping, to encourage pedestrian use and safety. The project, therefore, is consistent with this policy.

Urban Design Policy 32 states that amenities should be added to create a pleasant walking environment. These measures include ample sidewalk widths, crosswalks, street furniture, pedestrian-activated crossing lights, and street trees.

Consistency: The project design includes streets with sidewalks and physical enhancements, such as landscaping, to encourage pedestrian use and safety. The project, therefore, is consistent with this policy.

Urban Design Policy 33 states that all developments should provide pedestrian friendly design features including, but not limited to, pedestrian pathways connecting public streets to building entrances and other features of the sites. In addition, street trees and appropriate pedestrian scale lighting should be installed in developments within Pedestrian Priority Areas. Non-residential development should include street shade, pedestrian-oriented signage,

and building entrances along the street frontage. Within the public right-of-way, pedestrian-oriented signage could include “trailblazer” signs.

Consistency: The project includes pedestrian-oriented design features including pedestrian pathways, street trees, and appropriate pedestrian scale lighting. The project, therefore, would be consistent with Urban Design Policy 33.

Level of Service Goals

The City’s Level of Service Goals are to provide a full range of City services to the community at service levels consistent with a safe, convenient and pleasant place to live and work and to achieve the following level of service for these City services: 1) for transportation, level of service “D”, 2) for sanitary sewers, levels of service “D”, 3) for sewage treatment, to remain within the capacity of the Water Pollution Control Plant; and 4) for storm drainage, to minimize flooding on public streets and to minimize property damage from storm water.

Consistency: The project would meet all City level of service standards for transportation, sanitary sewer, sewage treatment, and storm drainage (refer to *Section II.B. Transportation* and *Section II.K. Utilities and Services*). The project, with incorporation of the mitigation described in *Section II.B. Transportation* and *Section II.K. Utilities and Services* of this EIR, therefore, would be consistent with the City’s level of service goals.

Level of Service Policy 2 states that capital and facility needs generated by new development should be financed by new development. The existing community should not be burdened by increased taxes or by lowered service levels to accommodate the needs created by new growth. The City Council may provide a system whereby funds for capital and facility needs may be advanced and later repaid by the affected property owners.

Consistency: The project would be required to finance capital and facility needs generated by the proposed new commercial development. The project, therefore, would be consistent with this policy.

Level of Service Policy 5 state that the minimum overall performance of City streets during peak travel periods should be level of service “D”.

Consistency: The potential impacts of the project on the performance of City streets are evaluated in *Section II.B. Transportation* of this EIR. With the implementation of the proposed mitigation measures identified in *Section II.B. Transportation*, the proposed project would meet the City’s level of service guidelines. For this reason, the proposed project is consistent with Level of Service Policy 5.

Level of Service Policy 6 states that the minimum performance standard for sanitary sewer lines should be level of service “D”, defined as restricted sewage flow during peak flow conditions. Development which will have the potential to reduce the downstream level of service to worse than “D”, or development which would be served by downstream lines already operating at a level of service worse than “D”, should be required to provide mitigation measures to improve the level of service to “D” or better.

Consistency: The project would be required to provide any necessary improvements to meet the City standard for sanitary sewer lines (refer to *Section II.K. Utilities and Service Systems*). The project, therefore, would be consistent with this policy.

Level of Service Policy 7 states that the City should monitor and regulate growth so that the cumulative sewage treatment demand of all development can be accommodated by San José's share of the treatment capacity of the San José/Santa Clara Water Pollution Control Plant.

Consistency: The project's potential impacts on the capacity of the San José/Santa Clara Water Pollution Control Plant (WPCP) are evaluated in *Section II.K. Utilities and Services* of this EIR. The project would not result in a shortage of capacity at the WPCP. The project, therefore, would be consistent with this policy.

Level of Service Policy 12 states that new projects should be designed to minimize potential damage due to storm waters and flooding to the site and other properties.

Consistency: The project includes adequate storm drains and facilities to minimize potential drainage and flooding impacts (refer to *Section II.I. Hydrology and Water Quality*). The project, therefore, would conform to Level of Service Policy 12.

Level of Service Policy 16 states to utilize the following Citywide level of service measures as benchmarks to be used to evaluate major General Plan land use and policy changes, such as expansions of the Urban Service Area or land use changes from non-residential to residential.

- For police protection, achieve a response time of six minutes or less for 60 percent of all Priority 1 calls, achieve a response time of eleven minutes or less for 60 percent of all Priority 2 calls.
- For fire protection, a 4-minute average response time to all calls.

Consistency: The project's conformance with these standards is addressed in *Section III. Public Services* of this EIR. The project would conform to the standards of Level of Service Policy 16.

Transportation Goals

The City's Transportation Goals are to provide a safe, efficient, and environmentally sensitive transportation system for the movement of people and goods and to develop a continuous, safe, accessible, interconnected high quality pedestrian environment that promotes walking as a desirable mode of transportation.

Consistency: As discussed in *Section II.B. Transportation* of this EIR, with the construction of the proposed sidewalks on Via del Oro, the project would provide adequate pedestrian access to the project site.

Transportation Policies, Thoroughfares Policy 7 states that the traffic impacts on regional transportation facilities should be taken into consideration when reviewing major General Plan Land Use Diagram amendments.

Consistency: The project's potential impacts on regional transportation facilities have been evaluated as part of the traffic analysis completed for this EIR (refer to *Section II.B. Transportation* and Appendix D). The project, therefore, would be consistent with this policy.

Transportation Policies, Transit Facilities Policy 12 states that privately owned transit systems, such as taxicabs and private bus companies, should be encouraged to provide convenient transfers to and from public transit systems.

Consistency: The project does not currently propose private transportation from the project site to the nearby light rail station. For this reason, the proposed project is not consistent with this policy.

Transportation Policies, Transit Facilities Policy 15 states where appropriate, the City should promote the location of childcare facilities and other support services near light rail transit stations, major transportation hubs, and major employment centers.

Consistency: Sensitive uses, such as childcare, residential care, or hospital facilities, are not specifically proposed by the project. These uses, however, would be permitted under the proposed GPA and PD Zoning (see discussion in *Section II.A. Land Use*). The project, therefore, is consistent with the intent of Transportation Policies, Transit Facilities Policy 15.

Transportation Policies, Pedestrian Facilities Policy 19 states that the City should encourage walking, bicycling, and public transportation as preferred modes of transportation.

Consistency: The project proposes to provide convenient, pedestrian circulation throughout the project site and construct sidewalks on all street frontages and in parking lots (refer to Figure 9). The project also proposes to construct sidewalks on Via del Oro, south of SR 85 in order to provide safe pedestrian access from the project site to the Santa Teresa Light Rail Transit Station (refer to *Section II.B. Transportation*). For these reasons, the project would be consistent with this policy.

Transportation Policies, Pedestrian Facilities Policy 23 states that each land use has different pedestrian needs. Street and sidewalk designs should relate to the function of the adjoining land use(s) and transit access points.

Consistency: The project proposes to provide convenient, pedestrian circulation throughout the project site and construct sidewalks on all street frontages and in parking lots (refer to Figure 9). The project also proposes to construct sidewalks on Via del Oro, south of SR 85 in order to provide safe pedestrian access from the project site to the Santa Teresa Light Rail Transit Station (refer to *Section II.B. Transportation*). For these reasons, the project would be consistent with Pedestrian Facilities Policy 23.

Transportation Policies, Pedestrian Facilities Policy 24 states that in order to provide pedestrian comfort and safety, all pedestrian pathways and public sidewalks should provide buffers between moving vehicles and pedestrians where feasible (e.g., trees, planting strips, and parked cars).

Consistency: All future sidewalks and pedestrian pathways will be designed in accordance with City requirements and will include planting strips and buffers between vehicles and

pedestrians. Therefore, the proposed project would be consistent with Pedestrian Facilities Policy 24.

Transportation Policies, Transportation Systems Management/Transportation Demand Management Policy 28 states that the City should promote participation and implementation of appropriate Transportation Demand Management (TDM) measures such as carpooling and vanpooling, preferential parking and staggered work hours/flextime, as well as bicycling and walking, by all employers.

Consistency: The proposed project would include a Transportation Demand Management (TDM) program to minimize overall vehicle trip generation. The TDM program would be subject to review and approval from the City. The TDM program would include a variety of measures to reduce the number of single occupant vehicle trips. The project proposes the following TDM measures: bike racks, showers, van/carpooling parking, a ride share matching program, and parking slots for motorcycles. The project also includes site design measures to include pedestrian pathways that would facilitate access to the nearby light rail station. The project would, therefore, be consistent with this policy.

Transportation Policies, Parking Policy 33 states that adequate off-street parking should be required in conjunction with all future developments.

Consistency: The project proposes a 25 percent reduction of the City of San José's minimum off-street parking requirements due to the project site's proximity to public transportation and the opportunity for shared parking between the proposed industrial and commercial uses. The project, therefore, would not be fully consistent with this policy.

Historic, Archaeological and Cultural Resources Goal

The City's Historic, Archaeological and Cultural Resources Goal is preservation of historically and archaeologically significant structures, sites, districts and artifacts in order to promote a greater sense of historic awareness and community identity and to enhance to quality of urban living.

Consistency: As discussed in *Section II.G. Cultural Resources*, the fruit dehydrator building is eligible as a candidate City Landmark and is potentially eligible for inclusion in the California Register of Historic Resources (CRHR) and the National Register of Historic Resources (NRHR). The project proposes to preserve the fruit dehydrator building, therefore, the proposed project would not result in impacts to historic structures. In addition, the proposed project is not anticipated to result in impacts to archaeological resources (refer to *Section II.G. Cultural Resources*). For these reasons, the proposed project is consistent with the Historic, Archaeological, and Cultural Resources Goal.

Historic, Archaeological and Cultural Resources Policy 1 states that because historically or archaeologically significant sites, structures and districts are irreplaceable resources, their preservation should be a key consideration in the development review process.

Consistency: The project proposes to preserve the fruit dehydrator building, which is eligible as a candidate City Landmark and is potentially eligible for inclusion in the CRHR and NRHR. For this reason, the project is consistent with this policy.

Historic, Archaeological and Cultural Resources Policy 7 states that structures of historic, cultural or architectural merit which are proposed for demolition because of public improvement projects should be considered for relocation as a means of preservation. Relocation within the same neighborhood or to the San José Historical Museum should be encouraged.

Consistency: The project proposes to preserve the fruit dehydrator building, which is eligible as a candidate City Landmark and is potentially eligible for inclusion in the CRHR and NRHR. For this reason, the project is consistent with this policy.

Historic, Archaeological and Cultural Resources Policy 9 states that for proposed development sites which have been identified as archaeologically sensitive, the City should require investigation during the planning process in order to determine whether valuable archaeological remains may be affected by the project and should also require that appropriate mitigation measures be incorporated into the project design.

Consistency: As discussed in *Section II.G. Cultural Resources*, no known archaeological resources are located on-site. Appropriate mitigation measures have been incorporated into the project to minimize impacts to cultural resources (see *Section II.G. Cultural Resources*). For this reason, the project would be consistent with this policy.

Scenic Routes Goal

The City's Scenic Routes Goal is to preserve and enhance the visual access to scenic resources of San José and its environs through a system of scenic routes.

Consistency: Development of the proposed project would change the visual character of the site and obstruct views of the eastern foothills as a result of the proposed 120-foot building heights. For this reason, the project is not consistent with the City's Scenic Routes Goal.

Urban Forest Goal

The City's Urban Forest Goal is to preserve, protect, and increase plantings of urban trees within the City.

Consistency: The project site has a total of 2,330 trees on the site, including 55 ordinance-size trees. The project may result in the loss of up to 2,330 trees. Trees removed from the site, however, will be replaced in accordance with the City's Tree Preservation Ordinance (see *Section II.F. Biological Resources*). For this reason, the project is generally consistent with the Urban Forest Goal.

Urban Forest Policy 2 states that development project should include the preservation of ordinance-sized, and other significant trees. Any adverse affect on the health and longevity of native oaks, ordinance sized or other significant trees should be avoided through appropriate design measures and construction practices. When tree preservation is not feasible, the project should include appropriate tree replacement.

Consistency: The project site has a total of 2,330 trees on the site, including 55 ordinance-size trees. Of the 55 ordinance-size trees, six are native species. The project may result in the loss of the 55 ordinance-size trees. The loss of trees will be mitigated in accordance with

the City's Tree Preservation Ordinance (see *Section II.F. Biological Resources*). Since the project may result in the loss of up to 55 ordinance-size trees, the proposed project would not be consistent with Urban Forest Policy 2.

Urban Forest Policy 3 states that the City encourages the maintenance of mature trees on public and private property as an integral part of the urban forest. Prior to allowing the removal of any mature tree, all reasonable measures which can effectively preserve the tree should be pursued.

Consistency: The project would preserve the existing trees to the extent feasible. For trees that are to be removed, appropriate replacement mitigation will be required (see *Section II.F. Biological Resources* for the specifics regarding which trees will be removed and mitigation ratios). For these reasons, the proposed project would be consistent with Urban Forest Policy 3.

Air Quality Goal

The City's Air Quality Goal is to maintain acceptable levels of air quality for the residents of San José and minimize the air pollution produced by new development.

Consistency: Development of the proposed project would increase vehicular trips to and from the site. The site, however, is an infill location within the urban area of San José, near the Santa Teresa Light Rail station. The project includes pedestrian and bicycle pathways through the site (refer to Figure 11) and Transportation Demand Management measures (refer to *Section II.D. Air Quality*) to encourage walking, bicycling, and use of public transit. Therefore, for these reasons, the project would overall be consistent with the City's Air Quality Goal.

Air Quality Policy 5 states that in order to reduce vehicle miles traveled and traffic congestion, new development within 1,000 feet of an existing or planned transit station should be designed to encourage the usage of public transit and minimize the dependence on the automobile through the application of site design guidelines.

Consistency: The project includes Transportation Demand Management program measures, such as sidewalk improvements, bicycle parking, transit information kiosks, and transit incentive programs, to encourage walking, bicycling, and use of public transit (refer to *Section II.D. Air Quality*). For this reason, the project is consistent with Air Quality Policy 5.

Agricultural Lands and Prime Soils Goal

The City's Agricultural Lands and Prime Soils Goal is to avoid the premature conversion of agricultural lands to urban uses.

Consistency: The project site is designated as *Prime Farmland*. Most of the project site consists of vacant, undeveloped, and land that used to be farmed as an orchard and still contains orchard trees. No commercial agriculture, however, occurs on the site and the existing orchards on-site have not been irrigated or cultivated since prior to 2000. In addition, the project site is currently designated for industrial development in the City's General Plan and the conversion of this land for development has been previously addressed in the Edenvale Redevelopment Project Draft Environmental Impact Report (March 2000).

For these reasons, the project is not inconsistent with the City's Agricultural Lands and Prime Soils Goal.

Energy Goal

The City's Energy Goal is to foster development which, by its location and design, reduces the use of non-renewable energy resources in transportation, buildings and urban services (utilities) and expands the use of renewable energy resources.

Consistency: The implementation of the proposed mitigation measures in *Section II.L. Energy*, will reduce energy usage related to the proposed project. Therefore, the project would be consistent with the City's Energy Goal.

Energy Policy 1 states that the City should promote development in areas served by public transit and other existing services. Higher residential densities should be encouraged to locate in areas served by primary public transit routes and close to major employment centers.

Consistency: The project site is served by bus routes, Caltrain, and light rail transit. The specific development project is located near the Blossom Hill Caltrain station and Cottle Road light rail transit station (refer to Figure 14), and in proximity to existing employment centers on the Hitachi site. For these reasons, the project is consistent with Energy Policy 1.

Energy Policy 2 states that decisions on land use should consider the proximity of industrial and commercial uses to major residential areas in order to reduce the energy used for commuting.

Consistency: The proposed GPA and specific development project would allow for industrial and commercial development on one site, in proximity to existing and planned residential uses. Locating these uses in proximity to each other would reduce the energy used for commuting and traffic trips. The project, therefore, is consistent with Energy Policy 2.

Energy Policy 4 states the energy efficiency of proposed new development should be considered when land use and development review decisions are made. The City's design techniques include provisions for solar access, for siting structures to maximize natural heating and cooling, and for landscaping to aid passive cooling protection from prevailing winds and maximum year-round solar access.

Consistency: The project would incorporate the City's design techniques for energy efficiency into new buildings to the extent feasible (refer to *Section II.L. Energy*). The specific measures included in each new building will be reviewed by the City at the PD Permit stage. The project, therefore, would be consistent with this policy.

Energy Policy 7 states that the City should require low-pressure sodium vapor lighting for outdoor, unroofed areas in all new developments and encourage existing development to retrofit using low-pressure sodium vapor lighting.

Consistency: The project would include low-pressure sodium vapor lighting. The project would also conform to the City's Outdoor Lighting Policy. The project, therefore, would be consistent with this policy.

Hazards Goal

The City's Hazards Goal is to strive to protect the community from injury and damage resulting from natural catastrophes and other hazard conditions.

Consistency: New buildings in the project would be designed according to the standard engineering requirements to prevent seismic hazard impacts (refer to *Section II.H. Geology and Soils*). The potential impacts to future employees from existing soils or groundwater contamination and from ongoing operations on the adjacent industrial campus would be minimized with implementation of the measures described in *Section II.J. Hazards and Hazardous Materials*. The potential hazards to future employees and patrons resulting from the presence of existing high-pressure gas lines present in Monterey Road are also addressed in *Section II.J. Hazards and Hazardous Materials* of this EIR. The project includes the design measures outlined in *Section II.J. Hazards and Hazardous Materials* to reduce potential hazards from the gas lines. The project, therefore, would be consistent with the City's Hazards Goal.

Hazards Policy 1 states that development should only be permitted in those areas where potential danger to health, safety, and welfare of the residents of the community can be mitigated to an acceptable level.

Consistency: New buildings on the site would be designed according to the standard engineering requirements to prevent seismic hazard impacts (refer to *Section II.H. Geology and Soils*). The project, therefore, would be consistent with the City's Hazards Policy 1.

Soils and Geologic Conditions Goal

The City's Soils and Geologic Conditions Goal is to protect the community from the hazards of soil erosion, soil contamination, weak and expansive soils and geologic instability.

Consistency: New buildings on the site would be designed according to the standard engineering requirements to prevent soils and seismic hazard impacts (refer to *Section II.H. Geology and Soils*). The project, therefore, would be consistent with the City's Soils and Geologic Conditions Goal.

Soils and Geologic Conditions Policy 6 states that development in areas subject to soils and geologic hazards should incorporate adequate mitigation measures.

Consistency: New buildings on the site would be designed according to the standard engineering requirements to prevent geologic and soils hazard impacts (refer to *Section II.H. Geology and Soils*). The project, therefore, would be consistent with the City's Soils and Geologic Conditions Policy 6.

Earthquakes Goal

The City's Earthquakes Goal is to minimize the risk from exposure to seismic activity.

Consistency: The project site is not located above or adjacent to any major faults. New buildings on the site would be designed and constructed in conformance with the requirements of the Uniform Building Code guidelines for Seismic Zone 4 to avoid or

minimize potential damage from seismic shaking on-site (refer to *Section II.H. Geology and Soils*). The project, therefore, would be consistent with the City's Earthquakes Goal.

Earthquake Policy 1 states that the City should require that all new buildings be designed and constructed to resist stresses produced by earthquakes.

Consistency: The project site is not located above or adjacent to any major faults. As mentioned above, new buildings on the site would be designed and constructed in conformance with the requirements of the Uniform Building Code guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on-site (refer to *Section II.H. Geology and Soils*). The project, therefore, would be consistent with the City's Earthquakes Policy 1.

Earthquake Policy 3 states that the City should only approve new development in areas of identified seismic hazard if such hazard can be appropriately mitigated.

Consistency: The project site is not located above or adjacent to any major faults. New buildings on the site would be designed and constructed in conformance with the requirements of the Uniform Building Code guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on-site (refer to *Section II.G. Geology and Soils*). The project, therefore, would be consistent with the City's Earthquakes Goal.

Flooding Goal

The City's Flooding Goal is to protect the community from the risk of flood damage.

Consistency: The project site is not within an area subject to significant flooding hazards. The project would be designed to minimize the potential for flood damage on the site. The project, therefore, would be consistent with the City's Flooding Goal.

Fire Hazards Goal

The City's Fire Hazards Goal is to incorporate fire safety precautions as an integral consideration in planning development.

Consistency: New buildings on the site would be designed to incorporate fire safety precautions. The project, therefore, would be consistent with the City's Fire Hazards Goal.

Fire Hazard Policy 6 states that new development should provide adequate access for emergency vehicles, particularly fire fighting equipment, as well as provide secure evacuation routes for the inhabitants of the area.

Consistency: New buildings on the site would be designed to provide adequate access for emergency vehicles, particularly fire fighting equipment, as well as to provide secure evacuation routes for the inhabitants of the area. The project, therefore, would be consistent with the City's Fire Hazards Policy 6.

Noise Goal

The City's Noise Goal is to minimize the impact of noise on people through noise reduction and suppression techniques, and through appropriate land use policies.

Consistency: New buildings in the project would conform to the City's noise and land use policies to minimize noise impacts (refer to *Section II.C. Noise* of this EIR). The project, therefore, would be consistent with the City's Noise Goal.

Noise Policy 1 states that the City's acceptable noise level objectives are 55 L_{dn} as the long-range exterior noise quality level, 60 L_{dn} as the short-range exterior noise quality level, 45 L_{dn} as the interior noise quality level, and 76 L_{dn} as the maximum exterior noise level necessary to avoid significant adverse health effects.

Consistency: The project would meet the City noise level objectives. The project would conform to the City's noise and land use policies to minimize noise impacts (refer to *Section II.C. Noise* of this EIR). The project, therefore, would be consistent with the City's Noise Policy 1.

Hazardous Materials Goal

The City's Hazardous Material Goal is to protect City residents from the risks inherent in the transport, distribution, use and storage of hazardous materials, recognizing that the use of these materials is integral to many aspects of society.

Consistency: The project would expose future workers and visitors to hazards resulting from future industrial operations on the site and from the continued operation of the existing industrial operations to the west of the site. These hazards could include the transport, distribution, use and storage of hazardous materials, as well as air emissions associated with ongoing operations. The project allows for sensitive commercial uses, such as day care centers, and includes design measures to reduce impacts to the sensitive uses (refer to *Section II.J. Hazards and Hazardous Materials*). For this reason, the project would generally be consistent with this goal.

Hazardous Materials Policy 3 states that the City should incorporate soil and groundwater contamination analysis within the environmental review process for development proposals. When contamination is present on a site, the City should report this information to the appropriate agencies that regulate the cleanup of toxic contamination.

Consistency: The project includes measures to reduce potential hazards due to contamination which may be present on the site (refer to *Section II.J. Hazards and Hazardous Materials*). The project, therefore, would be consistent with Hazardous Materials Policy 3.

Overall Consistency with the City of San José General Plan: The project proposes to provide a mix of industrial and commercial uses on the site, which is near public transit facilities. For this reason, the project would overall be generally consistent with the economic development strategy, sustainable city strategy, growth management strategy. The project is also generally consistent with most General Plan goals.

The project, however, would result in significant unavoidable impacts to scenic resources for which no mitigation is proposed or would reduce the impact to a less than significant level (refer to *Sections II.E. Visual and Aesthetics*). The project is therefore inconsistent with the scenic routes goal. For this reason, the project would not be fully consistent with the San José 2020 General Plan.

The project's consistency with the relevant San José General Plan strategies, goals, and policies described above is summarized in Table 1.

Post-Construction Urban Runoff Management Policy (Policy 6-29)

The City of San José has revised their Post-Construction Urban Runoff Management Policy (Policy 6-29, revised May 17, 2005), which establishes an implementation framework, consistent with SCVURPPP NPDES MS4 Permit requirements, for incorporating storm water runoff pollution control measures into new and redevelopment projects to reduce storm water runoff pollution to the maximum extent practicable.

Policy 6-29 requires all new and redevelopment projects to implement Post-Construction Best Management Practices (BMPs) and Treatment Control Measures (TCMs) to the maximum extent practicable. This Policy also establishes specified design standards for Post-Construction TCMs for major projects and minimum Post-Construction BMPs for all land uses of concern, including expansion projects.

Consistency: Development of the proposed project would increase the amount of runoff generated from the site and runoff-borne pollution and associated impacts would increase in comparison to existing conditions. Section II.I. Hydrology and Water Quality identifies specific BMPs the project proposes to reduce water quality impacts. For this reason, the project is consistent with the City's Post-Construction Urban Runoff Management Policy.

City of San José Council Policy Preservation of Historic Landmarks

The City's Preservation of Historic Landmarks Council Policy (adopted December 8, 1998) strongly encourages preservation and adaptive reuse of designated landmark structures, which include any designated City Landmark structure, Contributing Structure in a City Landmark Historic District, a structure designated on the State of California Register of Historic Places, the National Register of Historic Places, a Contributing Structure in a National Register Historic District, or a structure that qualifies for any of the above, based on the applicable City, State, or national qualification criteria. This policy does not apply to single family residential structures. The policy requires that proposals to alter such structures must include a thorough and comprehensive evaluation of the historic and architectural significance of the structure and the economic and structural feasibility of preservation and/or adaptive reuse. Every effort should be made to incorporate existing landmark structures into future development plans.

Consistency: The existing fruit dehydrator on the site is eligible as a candidate City Landmark and is potentially eligible for inclusion in the California Register of Historic Resources and the National Register of Historic Places. The project proposes to preserve the fruit dehydrator building. For this reason, the project would be consistent with City of San José Council Policy regarding Preservation of Historic Landmarks.

City of San José Green Building Policy

The City of San José's Council Policy (adopted June 19, 2001) on green building was developed to demonstrate the City's commitment to environmental, economic, and social stewardship, to yield cost savings to the City taxpayers through reduced operating costs, to provide healthy work environments for staff and visitors, and to contribute to the City's goals of protecting, conserving, and enhancing the region's environmental resources. All new City facilities are subject to the Green Building Policy. As stated in the policy: "The City of San José shall adopt Green Building Policy goals and incorporate green building principles and practices into the planning, design, construction, management, renovation, operations, and demolition of all City facilities that are constructed, owned, managed, or financed by the City."

Consistency: While the project would not be constructed, owned, managed, or financed by the City, the project would include outdoor night lighting along driveways, walkways and entrance areas. Low-sodium, energy-efficient lighting would be used, and the most efficient and economical outdoor lamps and controllers, such as timers, would be used to reduce energy usage. Soils excavated from the site and building materials which can be salvaged will be reused on the site to the extent feasible (refer to *Section II.L. Energy*). For these reasons, the project would be consistent with the Green Building Policy.

San José Guidelines for New Development in Proximity to High Pressure Gas Pipelines

The City Fire and Planning Departments had developed guidelines regarding new development in proximity to high pressure gas pipelines. These guidelines were developed after analysis and evaluation by the Department of Planning (now Planning, Building and Code Enforcement) and the Fire Department of the hazards and risks of locating new development near such as pipelines. The guidelines state that "only buildings having a low-density occupancy load" include single and multiple family dwellings, offices, industrial buildings, hotels/motels, parking garages, and retail stores not part of a shopping mall. In addition, the guidelines state that no building of more than two stories should be allowed within 250 feet of the edge of right-of-way.

Consistency: There is a high-pressure gas transmission line located along Monterey Highway to the north of the project site (refer to Figure 21). This gas transmission line is a six-inch main that operates at a pressure of 60 pounds per square inch (psi) near the project site. This line extends northwest and becomes a 10-inch main that operates at 400 psi.

The project proposes industrial and commercial structures more than two stories in height within 250 feet of the high-pressure gas line. According to the City's guidelines, such high-density occupancy load buildings should not be located within 250 feet of a high-pressure gas

line. For this reason, the project would not be consistent with the City's Guidelines for *New Development in Proximity to High Pressure Gas Pipelines*.

However, the proposed buildings shall include appropriate design measures (i.e., reinforced walls, blast-proof glass, etc.) to reduce the safety hazards associated with the gas line to the satisfaction of the Director of Planning and the Fire Chief (see *Section II.J. Hazards and Hazardous Materials* of this EIR). A detailed study of the specific necessary building design measures shall be prepared and submitted to the Department of Planning, Building, and Code Enforcement prior to the issuance of a PD Permit. Such design measures typically include, but are not limited to, the following: reinforced or concrete or masonry walls, large-stud wall systems, blast-proof glass and roof systems, tempered or laminated windows and doors, and increased fire ratings for the walls and roof areas near the gas lines.

The project site design and building placement near the pipeline right-of-way shall allow for access for routine and emergency maintenance and repair. The proposed grading and excavation activities in the vicinity of the gas lines shall conform to PG&E's requirements. Implementation of these measures would reduce potential hazards to the proposed development from the presence of high-pressure gas pipelines.

Edenvale Redevelopment Plan and Edenvale Area Development Policy

The project site is located within the original Edenvale Redevelopment Plan area. The Edenvale Redevelopment Plan project included the approval of construction of approximately five million square feet of industrial uses within the 451-acre Plan area, which included several subareas on both sides of US 101 in southern San José. The proposed project site is within Area 2, which is commonly referred to as "Old" Edenvale (refer to Figure 4). The Edenvale Redevelopment Plan provided for various redevelopment activities to expedite the orderly development of land uses designated in the San José 2020 General Plan. These redevelopment activities included removal of economic and physical blight, elimination of impediments to development, such as awkward or cumbersome parcelization, provision of costly infrastructure improvements that would be too burdensome for individual property owners, and marketing to attract industrial development into the area. An Area Development Policy for Edenvale (the Edenvale Area Development Policy or EADP) was established along with various assessment and community facilities districts to finance infrastructure improvements.

Consistency: The project proposes redevelopment of the underutilized industrial site. However, the project would result in a decrease in the amount of industrial development planned in Edenvale. The project also includes an amendment to the Edenvale Area Development Policy to reflect the proposed commercial uses. See *Section II.B. Transportation* of this EIR for a discussion of the traffic and transportation impacts that would result from this proposed change. By reducing the amount of industrial development that can occur in Edenvale Area 2 by 494,000 square feet and by introducing non-industrial uses, including sensitive receptors that may conflict with industrial uses, the project would not be consistent with the Redevelopment Plan and Development Policy, and therefore proposes amendments to the Plan and Policy.

| Table 1 Summary of Project Consistency with San José's General Plan | | | |
|--|------------------------------|---------------------------------------|--------------------------------|
| Name of Strategy/Goal/Policy | Project is Consistent | Project is Somewhat Consistent | Project is Inconsistent |
| Land Use/Transportation Diagram | | | Y |
| Major Strategies | | | |
| Economic Development | | Y | |
| Sustainable City | | Y | |
| Growth Management | Y | | |
| Balanced Community Goal | Y | | |
| Balanced Community Policies | | | |
| #1: Jobs and Housing Balance | | Y | |
| #5: Child Care Facilities/Services | Y | | |
| Commercial Land Use Goal | Y | | |
| Commercial Land Use Policies | | | |
| #1: Preferable Locations | Y | | |
| #11: Child Care Facilities/Services | Y | | |
| #13: Maximizing Energy Conservation Benefits | Y | | |
| Industrial Land Use Goal | | Y | |
| Industrial Land Use Policies | | | |
| #1: Land Use Conflicts | | Y | |
| #2: Redevelopment of Existing Older or Marginal Industrial Areas | Y | | |
| #5: Industrial Uses and Auxiliary and Incidental Commercial Uses | | | Y |
| #7: Child Care Facilities/Services | Y | | |
| #11: Reduce Land Use Compatibility Issues | | Y | |
| #12: Locate Near Transit | Y | | |
| #14: Compatibility with Non-industrial Uses | | Y | |
| #15: Exclusive Industrial Areas | | | Y |
| #16: Compatibility with Non-industrial Uses | | | Y |
| Economic Development Goals | Y | | |

| Table 1 Summary of Project Consistency with San José's General Plan | | | |
|--|------------------------------|---------------------------------------|--------------------------------|
| Name of Strategy/Goal/Policy | Project is Consistent | Project is Somewhat Consistent | Project is Inconsistent |
| Economic Development Policies | | | |
| #1: Jobs/Housing Imbalance | | Y | |
| #2: Protection of Industrial Lands | | Y | |
| #7: Mix of Uses/Balanced Economic Base | Y | | |
| Urban Design Goal | Y | | |
| Urban Design Policies | | | |
| #1: Architectural and Design Controls | Y | | |
| #2: Landscaping | Y | | |
| #7: Undergrounding Utilities | Y | | |
| #8: Public Safety | Y | | |
| #10: Building Height | | | Y |
| #21: Development Adjacent to Railroad Lines | Y | | |
| #24: Tree Preservation | Y | | |
| #27: Child Care Facilities and Transit-oriented/Mixed Uses | Y | | |
| #29: Recycled/Salvaged Materials | Y | | |
| #30: Adaptability of Commercial/Industrial Buildings | Y | | |
| #31: Street Design | Y | | |
| #32: Pedestrian Amenities | Y | | |
| #33: Pedestrian Design Features | | Y | |
| Level of Service Goals | Y | | |
| Level of Service Policies | | | |
| #2: New Development Finances Capital/Facility Needs | Y | | |
| #5: Traffic Level of Service | Y | | |
| #6: Sanitary Sewer Level of Service | Y | | |
| #7: Sewage Treatment Capacity | Y | | |

| Table 1 Summary of Project Consistency with San José's General Plan | | | |
|--|------------------------------|---------------------------------------|--------------------------------|
| Name of Strategy/Goal/Policy | Project is Consistent | Project is Somewhat Consistent | Project is Inconsistent |
| #12: Flooding | Y | | |
| #16: Police, Fire, Parks, Libraries | Y | | |
| Transportation Goals | Y | | |
| Transportation Policies | | | |
| #7: Impacts On Regional Transportation Facilities | Y | | |
| #12: Privately Owned Transit Systems | | | Y |
| #15: Child Care Facilities/Support Services | Y | | |
| #19: Walking/Bicycling/Public Transportation | Y | | |
| #23: Street and Sidewalk Designs | Y | | |
| #24: Buffers Between Traffic and Pedestrian Facilities | Y | | |
| #28: Transportation Demand Management Measures | Y | | |
| #33: Adequate Off-street Parking | Y | | |
| Historic, Archaeological and Cultural Resources Goal | Y | | |
| Historic, Archaeological and Cultural Resources Policies | | | |
| #1: Preservation of Significant Sites, Structures, Districts | Y | | |
| #7: Structure demolition | Y | | |
| #9: Archaeological Resources Identification/Mitigation | Y | | |
| Scenic Routes Goal | | | Y |
| Urban Forest Goal | | Y | |
| Urban Forest Policies | | | |
| #2: Preservation/Mitigation of Ordinance-sized Trees | | | Y |
| #3: Maintenance/Preservation of Mature Trees | Y | | |
| Air Quality Goal | Y | | |
| Air Quality Policy | | | |

| Table 1 Summary of Project Consistency with San José's General Plan | | | |
|--|------------------------------|---------------------------------------|--------------------------------|
| Name of Strategy/Goal/Policy | Project is Consistent | Project is Somewhat Consistent | Project is Inconsistent |
| #5: Encourage Transit Use Through Site Design | Y | | |
| Agricultural Lands and Prime Soils Goal | Y | | |
| Energy Goal | Y | | |
| #1: Public Transit Routes | Y | | |
| #2: Industrial and Commercial Uses | Y | | |
| #4: Energy Efficiency | Y | | |
| #7: Outdoor Lighting | Y | | |
| Hazards Goal | Y | | |
| Hazards Policy | | | |
| #1: Develop Only Where Hazards are Mitigated | Y | | |
| Soils and Geologic Conditions Goal | Y | | |
| Soils and Geologic Conditions Policy | | | |
| #6: Remediate Soils Contamination | Y | | |
| Earthquakes Goal | Y | | |
| Earthquake Policies | | | |
| #1: Design/Construct Buildings to Resist Earthquakes | Y | | |
| #3: Develop Only Where Hazards are Mitigated | Y | | |
| Flooding Goal | Y | | |
| Fire Hazards Goal | Y | | |
| Fire Hazard Policy | | | |
| #6: Adequate Emergency Access | Y | | |
| Noise Goal | Y | | |
| Noise Policy | | | |
| #1: City's Acceptable Noise Levels | Y | | |
| Hazardous Materials Goal | Y | | |
| Hazardous Materials Policy | | | |

| Table 1 Summary of Project Consistency with San José's General Plan | | | |
|---|------------------------------|---------------------------------------|--------------------------------|
| Name of Strategy/Goal/Policy | Project is Consistent | Project is Somewhat Consistent | Project is Inconsistent |
| #3: Soil and Groundwater Contamination Analysis | Y | | |
| Preservation of Historic Landmarks Policy | Y | | |
| Green Building Policy | Y | | |
| Guidelines for New Development in Proximity to High-Pressure Gas Pipelines | | | Y |
| Edenvale Redevelopment Plan | | | Y |
| <i>Note:</i> Please refer to the EIR text for discussions as to the reason(s) the proposed project is consistent or inconsistent with the strategies and policies that are listed in this table. | | | |

II. ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION

Program-Level and Project-level Analysis

In accordance with Section 15143 of the CEQA Guidelines, the discussion in this EIR is focused on the significant effects on the environment resulting from the proposed General Plan amendment and specific development project. This EIR is identified as both a “program-level” document, and a “project specific” EIR.

The mitigation measures that are appropriate to the types of approvals being considered differ in terms of their specificity and degree of entitlement and enforceability. While CEQA requires that mitigation measures should be “fully enforceable,” it also acknowledges that impacts from adoption of a plan or policy can best be mitigated by measures incorporated into the plan or policy [Guidelines §15126.4(a)(2)].

The new General Plan designation that is proposed for this project may be implemented over several years. General Plan policies are therefore the most relevant statement of how and to what degree impacts can be avoided or reduced, even though they are not project specific. General Plan policies represent the City’s standards. Where it is possible or appropriate, some mitigation can be accomplished by other adopted implementation policies, ordinances, or laws that are already in place. Like General Plan policies, this “program-level” mitigation is identified where it exists..

Project-level mitigation and avoidance measures for the near-term development project can fall into one of two categories: 1) specific measures that are included in the project as proposed; or 2) specific measures that could reasonably be expected to reduce adverse impacts, but are not included in the project as proposed. The latter category is important because it provides information to decision makers regarding potential mitigation measures, which could be required as conditions of project approval.

The currently proposed project also includes some infrastructure that is proposed to reduce some of the impacts of the proposed project. While the project includes preliminary information on how the infrastructure will be funded and implemented, detailed design has not yet been done. Where the infrastructure will serve as mitigation, or where the infrastructure may have secondary impacts of its own, that information is also provided.

Comparison to Allowable Development Under Existing Entitlements

The CEQA Guidelines (Section 15125) require a comparison of the proposed project with the exiting physical environmental conditions as they exist at the time the Notice of Preparation is published. Therefore, the conclusions in the discussion below are based on a comparison of the proposed project with the existing physical conditions on the site at this time. It should be noted, however, that under the current General Plan and zoning designations applicable to the project site, the site could be developed with a building or buildings totaling up to approximately 1.5 million square feet, which a maximum allowable height of 50 feet on most of the site except for the southern portion of the site, which has a maximum allowable height of 120 feet (refer to Figure 5). Where appropriate, the discussions in the following sections will also provide a brief comparison of the currently proposed project with the existing entitlements.

A. LAND USE

1. Setting

Existing Land Uses

Parcels

The 74-acre project site is located adjacent to SR 85, north of the intersection of SR 85 and US 101, in south San José. The site is comprised of 10 parcels [Assessor Parcel Numbers (APNs): 706-08-008, 706-08-009, 706-08-010, 706-08-011, 706-08-012, 706-08-015, 706-08-019, 706-08-020, 706-09-107, and 706-09-116].

Land Use Designation and Prior Approvals

The site is currently designated as *Industrial Park* on the City of San José's General Plan Land Use/Transportation Diagram. The *Industrial Park* designation is intended for a wide variety of industrial uses such as research and development, manufacturing, assembly, testing, and offices. Functional or operational characteristics of a hazardous or nuisance nature are allowed with mitigated design controls.

The project site also has a Planned Development Permit (PDSH 02-024) to implement the Planned Development Zoning (PDC01-093) for: 1,494,700 square feet of industrial/research and development and commercial support uses on the project site, as well as the construction of an internal public street system, an approximately 250,000 square foot communication service exchange facility (with up to 16 back-up generators), and a private electrical substation, on an approximately 18.27-acre portion of the project site.

Agricultural Resources

Most of the project site consists of vacant, undeveloped land, and land that was previously farmed as an orchard and still contains orchard trees. The project site is designated as *Prime Farmland* on the Santa Clara County Important Farmland Map (2002). *Prime Farmland* is classified as land with the best combination of physical and chemical characteristics able to sustain long-term production of agricultural crops. The land identified as *Prime Farmland* was typically used for production of irrigated crops before 1996. No commercial agriculture now occurs on the site. The orchards on-site have not been irrigated or cultivated since prior to 2000. The site is not the subject of a Williamson Act contract.¹⁰

As mentioned above, the project site currently has entitlements for industrial development. The loss of agricultural land from the conversion of the project site for industrial development was previously addressed in the Edenvale Redevelopment Project EIR (March 2000).

Mineral Resources

The project site is within a developed, urban area. It does not contain any known or designated mineral resources.

¹⁰ Munoz, Kelly. Office of the Clerk – Board of Supervisors. Personal Communications. 12 November 2003.

On-Site Buildings and Uses

The northwest corner of the project site contains unoccupied buildings and a concrete pad. As shown on Figure 6, the existing buildings on the site include three warehouses (A, B, and C), a former fruit dehydrating building (D), a former residential structure (E), a shed (F), and an equipment canopy area (G).

The project site is bounded by Great Oaks Boulevard, a public street, to the north, Tuscon Way (a private street) to the east, State Route (SR) 85 to the east and south, and Manassas Road (also a private street) to the west (refer to Figure 2).

Surrounding Land Use

Figure 3, an aerial photograph, shows the existing uses on and in the vicinity of the project site. The surrounding land uses are mainly industrial and residential uses. Industrial uses are located to the east, south, and west. The Hitachi campus is adjacent to the site to the west and consists of industrial buildings and parking lots, and the Equinix colocation facility is adjacent to the project site to the east. Hitachi has recently been approved for a General Plan amendment and a PD zoning to allow for a mixed-use development that includes industrial, commercial, and residential uses on their site (GP04-02-01, GPT04-02-01, and PDC04-031).

Single-family residential areas are located north of the project site on the other side of Great Oaks Boulevard, the Union Pacific Railroad tracks, and SR 82 (approximately 320 feet away), as well as southwest of the site on the other side of SR 85 (approximately 855 feet away).

Site Constraints

The project site is within an urban area of the City of San José. It is surrounded by existing development. Physical conditions on or adjacent to the site that might affect its suitability for specific land uses include the following:

- On-site contamination from past agricultural activities;
- Contamination from hazardous materials used on the adjacent Hitachi campus and previous agricultural activities on and adjacent to the site;
- The proximity of the railroad tracks;
- The presence of a high pressure gas line in SR 82;
- Access points to the site from the adjacent roadways (SR 82 and SR 85).

Noise from the railroad and nearby roadways and its impacts on the project are discussed in *Section II.C. Noise* of this EIR, and hazardous materials issues are discussed in *Section II.J. Hazards and Hazardous Materials*. Traffic circulation and site access issues are discussed in *Section II.B. Transportation* of this EIR.

2. Land Use Impacts

Thresholds of Significance

For the purpose of this EIR, a land use impact is considered significant if the project would:

- Physically divide an established community;
- Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect;
- Conflict with any applicable habitat conservation plan or natural community conservation plan;
- Convert prime farmland, unique farmland, or farmland of statewide importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;
- Conflict with existing zoning for agricultural use, or a Williamson Act contract;
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use;
- Induce substantial population growth in an area either directly (for example by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure);
- Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere;
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere; or
- Result in substantial shading of a public park or open space area.

Land Use Conflicts

While this EIR evaluates both a policy level decision (revising the City's General Plan) and a specific development, the basic question of the suitability of the site for the proposed land use must be determined during the General Plan decision-making process.

Land use conflicts can arise from two basic causes: 1) a new development or land use may cause impacts to persons or the physical environment in the vicinity of the project site or elsewhere; or 2) conditions on or near the project site may have impacts on the persons or development introduced onto the site by the new project. Both of these circumstances are aspects of *land use compatibility*. Potential incompatibility may arise from placing a particular development or land use at an inappropriate location, or from some aspect of the project's design or scope. Depending on the nature of the impact and its severity, land use compatibility conflicts can range from minor irritations and nuisances to potentially significant effects on human health and safety. The discussion below distinguishes between potential impacts *from the proposed project upon persons and the physical environment*, and potential impacts *from the project's surroundings upon the project itself*.

Proposed General Plan Amendments

As described in *Section I.*, the project proposes to amend the General Plan Land Use/Transportation Diagram to change the land use designation on the project site from *Industrial Park* to *Mixed Use with No Underlying Land Use Designation*. The proposed land use designation requires a minimum of two mixed uses to qualify for the designation, with neither of the two qualifying uses occupying less than 10 percent of the total building square footage. The project proposes a text amendment to Appendix F of the General Plan, which would identify the range of commercial development allowed on the project site (up to 450,000 square feet) and would specify that approximately one million square feet of office/R&D (of the 1.5 million square feet of industrial/R&D and commercial support uses already approved for the project site) would also be developed as part of the project. In addition, the proposed text amendment would increase the maximum allowable building height on the entire property to 120 feet.

Proposed Specific Development Project

The proposed PD zoning would allow for 1) the development of up to one million square feet of office/R&D uses, 2) the development of up to 450,000 square feet of commercial uses, and 3) the construction of public streets on the project site (refer to Figure 7).

The permitted office/R&D uses allowed under the proposed PD zoning are office, business and administration, R&D, light manufacturing and assembly, printing and publishing, catalogue and mail order, commercial support (in conformance with San José Municipal Code section 20.50.110), recreational facilities (designed to serve those employed at the site or those visiting the site for business purposes), conference and training facilities (designed to serve those employed at the site or those visiting the site for business purposes), wireless communication antenna (building mounted), communications service exchange, private power generation and electrical substation, and childcare facilities.¹¹

According to the proposed PD zoning, the permitted commercial uses on the project site are defined under the *CG-Commercial General District* zoning (with the exception of the uses identified in Table 20-90 of the City's Zoning Ordinance as "residential" and "vehicle related uses"). These uses include general retail, education and training, food services, health and veterinary services, general services, offices and financial services, public/quasi-public/assembly uses, drive-through uses, recycling uses, transportation and utilities, and electrical power generation uses. Sensitive land uses, such as day care centers, schools, medical clinics, hospitals, parks, or community centers, are permitted under the *CG-Commercial General District*, as are hotels, motels, and bed and breakfast facilities.

Land Use Compatibility Impacts of the General Plan Amendment and Specific Planned Development Project

Impacts from the Proposed Project

The industrial uses allowed by the existing General Plan and zoning on and near this project site can and frequently do, include substantial outdoor activities, heavy truck use, hazardous

¹¹ Note: Childcare facilities would be required to obtain a Conditional Use Permit, as required by the proposed PD zoning, and comply with all federal, state, and local law regulations for locating and licensing childcare facilities.

materials use and storage, generation of noise, dust, odors, litter, and similar potential sources of annoyance to sensitive land uses. The project specifically proposes development of both industrial and commercial uses on the site. The site is located within a developed, industrial area. The project site is bounded by Great Oaks Boulevard, railroad tracks, and Monterey Highway to the north and SR 85 to the south. The site is adjacent to industrial uses to the east and west. The recently approved Hitachi Campus and Mixed-Use Transit Village Project (GP04-02-01 and PDC04-031) allows a mix of industrial, commercial, and residential uses on the site. Land on the Hitachi campus directly adjacent to the project site, however, is designated for industrial uses only. The nearest approved residential uses on the Hitachi campus would be approximately 800 feet to the southwest of the project site. Furthermore, there are no sensitive land uses immediately adjacent to the project site.

The proposed industrial and commercial uses are not typically considered sensitive uses and would not be significantly impacted by the adjacent industrial areas. The location of most commercial uses on the site would not necessarily lead to restrictions being placed on the existing and planned industrial uses. However, as stated earlier, the proposed zoning will allow for sensitive commercial uses, such as child or adult day care centers, schools, and community centers.

The project may, therefore, introduce sensitive uses on the project site which may result in complaints about noise, use of hazardous materials, and other byproducts from existing industrial operations adjacent to the site, or from the industrial/office/R&D uses proposed on the project site. If complaints result in restrictions being placed on these industrial businesses, this could create a land use conflict. Even when such complaints identify effects that are only nuisances (as opposed to threats to human health and safety), they must be resolved by oversight jurisdictions (which could include the City, county, BAAQMD, or other entities). Therefore, future sensitive commercial development on the project site could result in future limitations being imposed on the nearby industrial uses that remain to the east and west of the site and/or the proposed office/R&D development on the site.

Some of the proposed uses would not be compatible if located close to each other. Manufacturing operations that use quantities of acutely hazardous materials¹² could have significant adverse impacts on child care facilities, schools, or hospitals, for example. Likewise, the specific impacts of private power generation (including emergency generators) and an electrical substation cannot be evaluated in the absence of detail (including specific locations).

The proposed project would also attract greater numbers of persons to the site. This increased intensity in use could increase traffic, noise, and air pollution in the immediate project area. These issues are addressed within their respective section in this EIR.

As discussed above and in *Section I*, the project site has entitlements to develop up to approximately 1.5 million square feet of industrial office/R&D uses on the site. In comparison, the proposed project would result in greater land use incompatibility and traffic impacts than development under the existing entitlements because the existing entitlements

¹² Although current law does not refer to “acutely hazardous materials,” the term is still widely used because it defines a set of substances that can have adverse impacts over distance when accidentally released. Acutely hazardous materials possess toxic, reactive, flammable or explosive properties.

do not allow for the development of commercial/retail uses, including sensitive uses such as day care, schools, and community centers.

- # **Development of sensitive commercial uses in proximity to existing industrial uses could result in land use conflicts and future limitations on the existing industrial development, and possible conflicts between the proposed uses. (Significant Impact)**

Impacts to the Proposed Project

Development near established industrial uses would expose the development to truck traffic, substantial outdoor activities, heavy truck use, hazardous materials use and storage, generation of noise, dust, odors, and litter. Office/R&D and commercial uses, such as retail and restaurants, are non-sensitive land uses and would not be significantly impacted by the adjacent industrial land uses. However, sensitive commercial land uses, such as schools, day care, community centers, and quasi-residential uses such as hotels, may not be compatible with adjacent industrial uses.

In comparison to the proposed project, development under the existing entitlements would not result in land use compatibility issues because no sensitive commercial uses are allowed.

- **Adjacent industrial uses could expose future development on the site, which may include sensitive land uses, to adverse effects from outdoor industrial activities, heavy truck use, generation of noise, dust, odors and litter, and accidental releases of hazardous materials used and stored nearby. (Significant Impact)**

Agricultural Land Impacts

As mentioned above, the project site is designated by the U.S. Department of Conservation, Division of Land Resources Protection as *Prime Farmland*. Lands with soils that support prime agricultural uses are finite resources. Due to development pressures, little agricultural land is left in San José or the greater Bay Area, and agricultural land is rapidly being developed statewide. Although no commercial agriculture occurs on the site and the existing orchards have not been irrigated or cultivated since prior to 2000, the development of the project would result in the loss of designated agricultural land.

In comparison, development under the existing entitlements would have the same impact on agricultural land as the proposed project. And, it should be noted that the loss of agricultural land was previously analyzed in the Draft Environmental Impact Report for the Edenvale Redevelopment Project (March 2000). Development of the site has been planned for an approved since that time. The agricultural resources impact of the proposed project would essentially be the same impact that was disclosed in the Edenvale Redevelopment Policy EIR.

- # **The development of the proposed project would result in the loss of agricultural land designated by the U.S. Department of Conservation as prime agricultural farmland. (Significant Impact)**

Population and Housing Impacts

Historically, San José has had a shortage of jobs compared to the number of employed residents living in the City, commonly referred to as a jobs/housing imbalance. A jobs/housing imbalance, especially when there is a relative deficit of jobs, can be problematic because it results in longer commutes as City residents travel to other locales for employment. This same imbalance can result in financial hardships for a city due to the costs associated with providing services to residential land uses in relation to revenue generated.

In recent years, consistent with the major strategies and objectives of the adopted General Plan, the City has been attempting to correct this imbalance. The City's present (as of 2004) jobs/housing balance is 1.05 (1.05 jobs per employed resident).

The General Plan project future buildout jobs/housing balance is 1.17 (in approximately 2030). This ratio accounts for the existing entitlements on the project site, which include up to approximately 1.5 million square feet of industrial uses. In comparison to the existing entitlements, the proposed project, which includes up to one million square feet of industrial uses and up to 450,000 square feet of commercial uses, would result in the net loss of up to 1,156 jobs. Therefore, the proposed project would worsen the City's present job/housing balance, although not reduce full build-out of the General Plan to a ratio below one job per employed resident.

- **The proposed project would result in 1,156 fewer jobs on the project site in comparison to the existing entitlements. For this reason, the proposed project would worsen the City's job/housing balance, but not significantly. (Less Than Significant Impact)**

Shade and Shadow Impacts

Under the current General Plan and zoning designation on the project site, the maximum allowed building height on most of the site is 50 feet, with the exception of the southern portion of the site that has a maximum allowable height of 120 feet. The existing buildings on the site are a maximum of approximately 35 feet in height. The project proposes to change both General Plan policy and the zoning to allow a maximum building height limit of 120 feet across the entire site. This could be an increase of up to 70 feet compared to the maximum building height allowed by the existing zoning on the site. It would be an increase of up to 70 feet compared to existing General Plan policy. Buildings up to 120 feet in height could create increased shadows or shading on adjacent or nearby structures and properties during certain hours of the day and certain months of the year. The primary areas of concern for shading are existing residential areas and public and private open spaces. There is an existing residential area north of the project site, north of Monterey Road, and another is south of SR 85. There are no existing public or private open spaces in the immediate site vicinity.

The shadow impacts from the project are discussed here for three different times of the year: December 21, June 21, and March/September 21. Since the solar conditions on the latter two dates (the spring and fall equinoxes) are identical, they are considered together as an intermediate between the two extremes. Maximum shading occurs on December 21, the winter solstice, when the sun is at the lowest angle above the horizon. Since the vast

majority of solar energy is received between 9:00 AM and 3:00 PM, this period of the day is evaluated.

Shadow length and bearing calculations were performed for various locations on the site to determine whether the proposed maximum building height would cast substantial shadows on the residences located north of Monterey Highway (see Appendix C of this EIR). Buildings of up to 120 feet would shade parts of the adjacent Hitachi industrial use area located west of the site, Monterey Highway, and the adjacent Equinix property located east of the project site during the December timeframe. Shadows from increasing the height of structures on the project site would not extend into sensitive areas, including existing residents north of Monterey Highway or south of SR 85 (refer to Appendix C). The project would not, therefore, result in significant shade or shadow impacts.

Compared to the proposed project, which would allow buildings of up to 120 feet on the entire site, development under the existing entitlements would have less shade and shadow impacts because most of the site has an existing allowable height of 50 feet.

- **The proposed project would not result in significant shade and shadow impacts upon the existing or approved residential neighborhoods in the vicinity of the project site. (Less Than Significant Impact)**

Construction and Demolition Impacts from the Specific Development Project

Demolition of the existing buildings on the project site and construction of the proposed specific development project would involve earthmoving, grading, delivery of construction materials, and the construction itself with the use of power equipment, concrete trucks, and other sources of noise, dust, and traffic. In addition, construction of the project would require a substantial number of truck and vehicle trips to and from the site during all phases of demolition and construction. While the number of construction related trips would be less than the traffic generated by the project itself, it would include a higher percentage of trucks. Environmental impacts would include noise and dust from construction equipment, and generation of air emissions. These issues are discussed in their respective sections in this EIR.

Development under the existing entitlements would have similar construction and demolition impacts as the proposed project.

- **With the implementation of the mitigation measures identified in *Sections II.B. Transportation, II.C. Noise, and II.D. Air Quality*, the proposed project would not result in significant traffic, noise, or air quality impacts. (Less Than Significant Impact)**

3. Mitigation and Avoidance Measures

Mitigation and avoidance measures identified in this and subsequent sections of this EIR include both program-level measures and project-specific measures. This is necessary because the project evaluated in this EIR includes amendments to the City's adopted General Plan (i.e., program-level analysis) and a specific Planned Development Rezoning (project-level analysis).

Once approved, a General Plan amendment, particularly a change in the land use designation on a piece of property, will continue to be in effect, independent of any associated PD Zoning and whether or not a particular property owner chooses to implement it at any particular point in time. The General Plan is a long range planning document; its policies identify the standards and goals that are to guide individual near-term development, but its implementation is the responsibility of the City as a whole, not individual property owners. An amendment to the General Plan cannot be conditioned, even for environmental mitigation. Implementation of the General Plan, however, can be assumed in the context of all of its policies and programs and in the context of other ordinances, laws, and adopted policies.

Each *Mitigation and Avoidance* subsection of this EIR identifies the specific policies and goals in the General Plan that establish the standards for particular categories of mitigation, or which address the types of measures that would be assumed to avoid impacts. In some cases, the subsections will also include adopted policies, existing ordinances or laws, or other programmatic mitigation measures that are in place and which can reasonably be assumed to be the source of future mitigation or avoidance measures. Should the currently proposed PD zoning not be implemented, other future development proposed under the *Mixed Use with No Underlying Land Use* designation would be evaluated for conformance with these General Plan goals and policies, as well as other adopted policies, ordinances and laws, and may or may not result in impacts similar to those from the proposed PD zoning.

The City does not adopt reporting programs for individual General Plan amendments, but reports on the status of its General Plan in conformance with state law [CEQA Guidelines §15097(b)].

After identification of General Plan policies and other Program-level Mitigation Measures, the *Mitigation and Avoidance* subsections in this EIR will discuss specific project-level mitigation and avoidance measures that are included in the project as it is proposed or that the City of San José has determined could reasonably be expected to reduce adverse impacts.

General Plan Policies

Many of the policies of the City of San José General Plan have been adopted for the purpose of avoiding or mitigating potential environmental effects resulting from planned development within the City. The following policies reflect the City's requirements for any future proposed project:

- *Balanced Community Policy 5* states that developers of large industrial, commercial, or residential projects should be encouraged to identify and appropriately address the potential need generated by these projects for childcare facilities or services.
- *Urban Design Policy 1* states that the City should continue to apply strong architectural and site design controls on all types of development for the protection and development of neighborhood character and for the proper transition between areas with different types of land uses.
- *Urban Design Policy 18* states that, to the extent feasible, sound attenuation for development along City streets should be accomplished through the use of

landscaping, setback and building design rather than the use of sound attenuation walls. Where sound attenuation walls are deemed necessary, landscaping and an aesthetically pleasing design shall be used to minimize visual impact.

- *Urban Design Policy 21* states that to promote safety and to minimize noise impacts in residential and working environments, development which is proposed adjacent to railroad lines should be designed to provide the maximum separation between the rail line and dwelling units, yards, or common open space areas, offices, and other job locations, facilities for the storage of toxic or explosive materials and the like. To the extent possible, areas of development closest to an adjacent railroad line should be devoted to parking lots, public streets, peripheral landscaping, the storage of non-hazardous materials and so forth.
- *Urban Design Policy 22* states that design guidelines adopted by the City Council should be followed in the design of development projects.
- *Urban Design Policy 30* states that to the maximum extent feasible, all new commercial and industrial buildings should be designed for adaptability to other uses in the future.
- *Commercial Land Use Policy 1* states that commercial land in San José should be distributed in a manner that maximizes community accessibility to a variety of retail commercial outlets and services and minimizes the need for automobile travel. New commercial development should be located near existing centers of employment or population or in proximity to transit facilities and should be designed to encourage pedestrian and bicycle access through techniques such as minimizing building separation from the street, providing safe, accessible, convenient and pleasant pedestrian connections, secure bike storage, etc.
- *Commercial Land Use Policy 2* states that new commercial uses should be located in existing or new shopping centers or in established strip commercial areas. Isolated spot commercial developments and the creation of new strip commercial areas should be discouraged.
- *Commercial Land Use Policy 11* states that the City encourages developers of large commercial projects to identify and appropriately address the potential need generated by these projects for childcare facilities or services.
- *Commercial Land Use Policy 13* states that roads, buildings and landscaping for new commercial development should be designed and oriented to maximize energy conservation benefits for space heating and cooling to the extent feasible.
- *Industrial Land Use Policy 1* states that industrial development should incorporate measures to minimize negative impacts on nearby land uses.
- *Industrial Land Use Policy 7* states that the City should encourage developers of large industrial projects to identify and appropriately address the potential need generated by these projects for childcare facilities or services.

- *Industrial Land Use Policy 9* states that the City should encourage industrial supplier/service business retention and expansion in appropriate areas in the City.
- *Industrial Land Use Policy 11* states that because of the importance in retaining viable industrial supplier/service lands and the inherent incompatibility between residential or non-industrial uses and industrial uses, new land uses that may restrict development of land reserved exclusively for industrial uses should not be allowed to locate adjacent to these areas of the City, and in particular, sensitive receptors, should not be located near primary industrial areas.
- *Industrial Land Use Policy 14* states that non-industrial uses which would result in the imposition of additional operational, and/or mitigation requirements, or conditions on industrial users in a neighboring exclusively industrial area in order to achieve compatibility are discouraged.
- *Industrial Land Policy 15* states that exclusively industrial areas should be reserved for industrial uses to the extent possible.
- *Industrial Land Policy 16* states that only non-industrial uses which are incidental to and totally compatible with primary industrial uses should be allowed in exclusively industrial areas.
- *Industrial Land Use Policy 19* states that new industrial development should create a pedestrian friendly environment by connecting the features of the development with safe, convenient, accessible, and pleasant pedestrian facilities. Such connections should also be made between the new development and adjacent public streets.

Specific Development Mitigation Measure Proposed By the Project

In order to reduce or avoid identified impacts, limitations would be placed on the future commercial or industrial uses. Therefore, the project would implement either measures 1 and 2 or measures 3 and 4 below. The appropriate combination of measures shall be determined at the PD Permit stage.

1. Any sensitive commercial uses, such as day care centers, schools, medical clinics, and community centers, shall be required to be located at least 1,000 feet from any hazardous materials use or storage facility, or any site that could be used for such a facility, such as the following:
 - Hazardous materials meeting the California Occupational Health and Safety Administration's (Cal/OSHA) definition of a material that presents a potential for catastrophic event;
 - Chemicals that have a National Fire Protection Agency (NFPA) or a Hazardous Materials Identification System (HMIS) rating of two or greater for flammability, health, reactivity, and fire; and
 - Underground storage tanks (USTs) or aboveground storage tanks (ASTs) that store hazardous materials.

If the safety and health objectives of the 1,000-foot separation requirement can be achieved to the satisfaction of the Director of Planning, Building, and Code Enforcement through an alternative combination of site design, building orientation, construction techniques, or other similar methods, than a lesser separation may be approved through issuance of a Planned Development Permit.

-AND-

2. Sensitive commercial uses shall be required to prepare and implement an emergency response plan for responding to circumstances that include the accidental release of hazardous materials. This plan could include designation of responsible persons, regular drills, and the identification of a “shelter in place” response that includes keeping all persons indoors, shutting windows, and shutting down air circulation systems.

-OR-

3. To ensure that hazardous materials impacts are minimized, the following types of hazardous materials shall be restricted from use on-site:

- Toxic and highly toxic compressed gases;
- Class 4 liquid and solid oxidizers
- Unclassified detonatable and Class I organic peroxides;
- Unstable reactive materials; and
- Flammable oxidizing gases.

-AND-

4. Industrial uses on the site shall record a deed restriction that precludes the storage and/or use of acutely hazardous materials¹³ on the project site in amounts that could lead to significant off-site consequences (substantial human health and safety risks from exposure/inhalation/explosion) in the event of an accidental release or upset, for as long as any day care centers or other centers of vulnerable populations are operational within 1,000 feet.

Should private power generation (including emergency generators) and/or an electrical substation be proposed for this site, a detailed analysis of impacts, including noise, air quality, and hazardous materials use will be prepared. The analysis will address site specific impacts based on location, design, and the presences of sensitive receptors in the vicinity. If the analysis identifies the likelihood of significant impacts occurring, a subsequent CEQA document would be required.

4. Conclusion

The proposed project could result in the development of sensitive commercial uses in proximity to existing and proposed industrial uses, which could result in land use conflicts and future limitations on the industrial development. Conformance with the above General Plan policies and implementation of the above mitigation measure would reduce land use

¹³ Although current law does not refer to “acutely hazardous materials,” the term is still widely used because it defines a set of substances that can have adverse impacts over distance when accidentally released. Acutely hazardous materials possess toxic, reactive, flammable or explosive properties.

compatibility impacts to a less than significant level. **(Less Than Significant Impact with Mitigation Incorporated)**

Development of the proposed project would result in the loss of *Prime Farmland*. Although this would be the same impact that was identified in conjunction with prior land use approvals on the site, this impact is still considered significant and unavoidable. **(Significant Unavoidable Impact)**

Implementation of the proposed project would not result in significant shade and shadow impacts upon the existing residential neighborhoods in the vicinity of the project site. **(Less Than Significant Impact)**

With implementation of the mitigation measures identified in *Sections II.B. Transportation, II.C. Noise, and II.D. Air Quality*, the project would not result in significant traffic, noise, or air quality impacts from or to the proposed project. **(Less Than Significant Impact with Mitigation Incorporated)**

B. TRANSPORTATION

The following discussion is based upon a transportation analysis completed by *Hexagon Transportation Consultants* in November 2005. The complete analysis is provided in Appendix D of this EIR.

1. Setting

Existing Roadway Network

The existing roadway network serving the project area includes regional facilities, such as freeways, as well as local roadways such as arterials and local streets. Regional and local access to the project site is provided via the streets described below.

Currently, public street access to the project site is provided via a cul-de-sac at Great Oaks Boulevard and a private street connection to Via del Oro. The adjacent Hitachi campus connects to the site via a network of private streets that currently are gated at the property line shared by the Hitachi campus and project site. These streets will be modified and upgraded to public streets with construction of the approved Hitachi development.

The project area and surrounding roadway network are illustrated on Figure 12.

Regional Access

U.S. Highway 101 (US 101) is an eight-lane freeway [three mixed-flow lanes and one high occupancy vehicle (HOV) lane in each direction] in the vicinity of the site. US 101 extends northward through San Francisco and southward through Gilroy. Access to and from the site is provided via full interchanges at Bernal Road/Silicon Valley Boulevard, Blossom Hill Road/Silver Creek Valley Road, and SR 85.

State Route 85 (SR 85) is a predominantly north-south freeway that is oriented in an east-west direction in the vicinity of the project. It extends from Mountain View to south San José, terminating at US 101. SR 85 is a six-lane freeway with four mixed-flow lanes and two HOV lanes. It connects to Interstate 280 (I-280), SR 17, SR 87, and US 101. SR 85 provides access to the project site via interchanges at Bernal Road and Great Oaks Boulevard.

Monterey Highway (SR 82) is a six-lane major arterial north of Blossom Hill Road and a four-lane major arterial south of Blossom Hill Road. Monterey Highway extends from Market Street in downtown San José to US 101 south of the City of Gilroy. Monterey Highway provides access to the project site via interchanges at Bernal Road and Blossom Hill Road.

Local Access

Santa Teresa Boulevard is a six-lane divided major arterial with a posted speed limit of 45 mph in the project vicinity. Santa Teresa Boulevard extends from SR 85 near Westfield Shoppingtown Oakridge to Morgan Hill, where it transitions into Hale Avenue. Near the site, Santa Teresa includes bike lanes and sidewalks on both sides of the street. Santa Teresa provides access to the project site via Great Oaks Boulevard.

Figure 12 Existing Roadway Network and Study Intersections

Bernal Road is a six-lane divided major arterial that intersects US 101, SR 85, Monterey Highway, San Ignacio Avenue, Via del Oro, and Santa Teresa Boulevard. Bernal Road has a posted speed limit of 40 mph and sidewalks on both sides of the street. Bernal Road does not contain bike lanes. East of US 101, Bernal Road changes designation to Silicon Valley Boulevard.

Blossom Hill Road is a six-lane divided arterial roadway that runs in an east-west direction in the vicinity of the site. Blossom Hill Road extends westward to Los Gatos and eastward to US 101, where it transitions into Silver Creek Valley Road. Blossom Hill Road includes sidewalks on both sides of the street, but has no bike lanes. This roadway includes full interchanges at US 101 and SR 85.

Great Oaks Boulevard is a two- to four-lane arterial with a posted speed limit of 35 mph. Great Oaks Boulevard includes sidewalks on both sides of the street, but does not contain bike lanes. South of Santa Teresa Boulevard, this roadway is designated Vineyard Drive. Great Oaks Boulevard intersects Santa Teresa Boulevard, Via del Oro and San Ignacio Avenue, and provides direct access to the site. Great Oaks Boulevard is designated as a four-lane arterial according to the City of San José General Plan network.

Via del Oro is a two-lane roadway with a two-way center left-turn lane. Via del Oro has a posted speed limit of 35 mph and includes sidewalks on both sides of the street. Via del Oro intersects Bernal Road, Great Oaks Boulevard, and San Ignacio Avenue. The project site has access to Via del Oro from a private access road (White Plains Road) located on the project site. A security gate limiting public access to the adjacent Hitachi campus is located on White Plains Road near Manassas Road. Via del Oro also provides pedestrian and vehicular access to the Santa Teresa LRT station.

San Ignacio Avenue is a two-lane roadway with a two-way center left-turn lane and a posted speed limit of 30 mph between Santa Teresa Boulevard and Great Oaks Boulevard. San Ignacio Avenue is a four-lane divided roadway between Great Oaks Boulevard and Bernal Road. San Ignacio does not contain bike lanes. Sidewalks are located on both sides of the street and a bus stop is located just east of Via del Oro. San Ignacio intersects Bernal Road, Great Oaks Boulevard, Via del Oro, and Santa Teresa Boulevard. San Ignacio provides access to the project site by way of Great Oaks Boulevard and Via del Oro.

Cottle Road is a six-lane north-south arterial that connects Blossom Hill Road and Santa Teresa Boulevard to SR 85. Cottle Road provides full access to SR 85 near Kaiser Santa Teresa Hospital. Cottle Road has sidewalks on both sides of the street but does not contain bike lanes.

Existing Bicycle and Pedestrian Facilities

According to the City of San José Transportation Bicycle Network Planning Map and the Santa Clara Valley Transportation Agency (VTA) Bikeways Map, the number of City and County designated bikeways in the vicinity of the project site is limited.

Monterey Highway, Santa Teresa Boulevard, and Cottle Road are the only roadways which contain bike lanes within the project area. According to the City of San José's Bicycle Master Plan, future bike lanes are planned for Blossom Hill Road between Snell Avenue and

Poughkeepsie Road, and on Snell Avenue between Blossom Hill Road and Santa Teresa Boulevard. Figure 13 shows the existing bicycle facilities in the site vicinity.

With the exception of Manassas Road and the portion of Via del Oro that is north of the SR 85 overpass, sidewalks are present along both sides of all previously described local roadways.

Existing Transit Service

Bus and light rail transit (LRT) service in Santa Clara County is operated by the Santa Clara Valley Transportation Authority (VTA). Commuter rail service (Caltrain) from San Francisco to Gilroy is operated by the Peninsula Corridor Joint Powers Board (PCJPB). The existing transit facilities in the vicinity of the site are shown on Figure 14 and are described below.

Bus Service

The study area is served by several local and express VTA bus lines. Eight bus lines currently provide service to and from the Santa Teresa LRT station, which is located approximately 0.25 miles south of the project site.

Bus Route 67 provides service between the Santa Teresa LRT station and the Ohlone/Chynoweth LRT station. Bus Route 67 operates along Santa Teresa Boulevard, with 30-minute headways during commute hours.

Bus Route 68 line provides service between the San José Diridon Station and Gavilan College in Gilroy. Bus Route 68 operates along Santa Teresa Boulevard and Monterey Highway, with 15-minute headways during commute hours.

Bus Route 72 provides service between the Santa Teresa LRT station and downtown San José. Bus Route 72 operates along Santa Teresa Boulevard, Bernal Road, and Monterey Highway, with 30-minute headways during commute hours.

Express Route 102 provides service between the Santa Teresa LRT station and Palo Alto. Express Route 102 operates along SR 85 and I-280, with 30- to 60-minute headways during weekday commute hours.

Express Route 122 provides service between the Santa Teresa LRT station and Lockheed Martin/Moffet Park. Express Route 122 operates along Santa Teresa Boulevard, Snell Avenue, Capitol Expressway, and US 101, with 30- to 60-minute headways during weekday commute hours.

Express Route 501 provides service between the Palo Alto and IBM/Bailey Road, with 30- to 40-minute headways during weekday commute hours. Express Route 501 operates along SR 85, Cottle Road, San Ignacio Road, Bernal Road, Santa Teresa Boulevard, and the internal roadway system of the Hitachi campus (west of the project site).

Limited Stop Routes 304 and 305 provide service between the Santa Teresa LRT station and Mountain View, with stops in downtown San José. Both Limited Stop Routes operate along Santa Teresa Boulevard, Snell Avenue, and Monterey Highway. Route 304 operates on 15-

Figure 13 Existing Bicycle Facilities

Figure 14 Existing Transit Facilities

to 30-minute headways during commute hours, while Route 305 operates on 60-minute headways during commute hours.

Light Rail Transit (LRT) Service

The VTA currently operates the 30.5-mile LRT system extending from south San José through downtown to the northern areas of San José, Santa Clara, Mountain View and Sunnyvale. Service operates 24-hours, every 15 minutes during much of the day, and carries over 22,485 riders on an average weekday.

The Santa Teresa LRT station is located within walking distance, approximately 0.25 miles south of the project site. Vehicular and pedestrian access to the LRT station is provided along Via del Oro and Santa Teresa Boulevard. There are no sidewalks, however, on Via del Oro north of the SR 85 overpass. Therefore, safe pedestrian access to the LRT station is not currently available on Via del Oro.

Caltrain

Commuter rail service between San Francisco and Gilroy is provided by Caltrain. The Blossom Hill Caltrain station is located near the site on Monterey Highway near the Ford Road intersection, approximately 0.8 miles west of the project site. The associated Park-and-Ride lot is located on the east side of Monterey Highway south of Ford Road. Caltrain provides seven-day service to the Blossom Hill station with approximately 30- to 40-minute headways during commute hours. Currently, access to the Caltrain station and Park-and-Ride lot from areas west of Monterey Highway require traversing the Blossom Hill Road overcrossing and the ramps to Monterey Highway, both of which do not provide sidewalks.

Study Intersections

Transportation impacts related to the proposed project were evaluated following the standards and methodologies established by the City of San José and the Santa Clara Valley Transportation Authority (VTA). The VTA administers the County Congestion Management Program (CMP). A CMP freeway analysis was conducted since the project would generate more than 100 peak hour trips. The traffic study includes an analysis of AM and PM peak hour traffic conditions for 42 signalized intersections and nine freeway segments. The study also includes an operations analysis based on vehicle-storage requirements at select intersection locations. The study intersections and freeway segments are identified below and shown on Figure 12.

1. Monterey Highway and Branham Lane *
2. Monterey Highway and Chynoweth Avenue
3. Blossom Hill Road and Snell Avenue *
4. Blossom Hill Road and Lean Avenue
5. Santa Teresa Boulevard and Snell Avenue *
6. Santa Teresa Boulevard and Lean Avenue
7. Blossom Hill Road and Beswick Drive
8. Blossom Hill Road and Poughkeepsie Road
9. Monterey Highway and Blossom Hill Road (North) *
10. Monterey Highway and Blossom Hill Road (South) *

11. US 101 and Blossom Hill Road (West) *
12. US 101 and Blossom Hill Road (East) *
13. Piercy Road and Silver Creek Valley Road
14. Fontanoso Way and Silver Creek Valley Road
15. Hellyer Avenue and Silver Creek Valley Road
16. Cottle Road and Concord Drive
17. Cottle Road and Poughkeepsie Road
18. Cottle Road and Beswick Drive
19. SR 85 and Cottle Road (North) *
20. SR 85 and Cottle Road (South) *
21. Cottle Road and Hospital Parkway
22. Cottle Road and Santa Teresa Boulevard *
23. Santa Teresa Boulevard and Encinal Drive
24. Santa Teresa Boulevard and San Ignacio Avenue
25. Via del Oro and San Ignacio Avenue
26. Santa Teresa Boulevard and Great Oaks Boulevard
27. Via del Oro and Great Oaks Boulevard
28. San Ignacio Avenue and Great Oaks Boulevard
29. SR 85 and Great Oaks Boulevard (South) *
30. SR 85 and Great Oaks Boulevard (North) *
31. Santa Teresa Boulevard and Martinvale Drive
32. Santa Teresa Boulevard and Bernal Road *
33. Realm and Bernal Road
34. Via del Oro and Bernal Road
35. San Ignacio Avenue and Bernal Road
36. Monterey Highway and Bernal Road (North) *
37. Monterey Highway and Bernal Road (South) *
38. Monterey Highway and Bernal Road (East) *
39. SR 85 and Bernal Road *
40. US 101 and Bernal Road (West) *
41. US 101 and Bernal Road (East) [unsignalized]
42. Monterey Highway and Monterey Circle

*Designated Congestion Management Program (CMP) intersections.

Traffic conditions at the intersections were analyzed for the weekday morning and evening peak hours for the following scenarios:

| | |
|-------------------------------------|---|
| <i>Existing Conditions</i> | Existing traffic volumes from the City of San José and traffic counts conducted in 2004 by <i>Fehr & Peers Transportation Consultants</i> . |
| <i>Background Conditions</i> | Existing volumes plus traffic from approved but not yet constructed developments in the area. |
| <i>Project Conditions</i> | Background volumes plus traffic generated by the proposed project. |

Analysis Methodologies and Level of Service Standards

In San José, the description of traffic congestion is based on the “level of service” concept developed by the National Academy of Sciences and described in the *Highway Capacity Manual*. The existing and near-term operations of the intersections in the site area were evaluated using Level of Service (LOS) calculations. Level of Service is a qualitative description of a roadway’s operation, ranging from LOS A, or free-flow conditions, to LOS F, or over-saturated conditions. The City’s *General Plan Level of Service Policy 5* states that the minimum overall performance of City streets during peak travel periods should be level of service "D."

Signalized Intersections

The signalized intersection level of service methodology approved by the VTA and adopted by the City of San José bases an intersection’s operation on *average control vehicular delay* for all vehicles entering the intersection, calculated using the method described in Chapter 16 of the 2000 *Highway Capacity Manual (HCM)* with adjusted saturation flow rates to reflect conditions in Santa Clara County. Average control delay includes the time for initial deceleration delay, queue move-up time, stopped delay, and final acceleration. The average delay for a signalized intersection is calculated using the TRAFFIX analysis software and is correlated to a LOS designation as shown in Table 2. The City of San José considers LOS D as an acceptable level of operation.

| Table 2 Signalized Intersection Level of Service Definitions | | |
|---|---|---|
| Level of Service | Description of Operations | Average Control Delay* (seconds / vehicle) |
| A | Insignificant Delays: No approach phase is fully utilized and no vehicle waits longer than one red indication. | ≤ 10 |
| B | Minimal Delays: An occasional approach phase is fully utilized. Drivers begin to feel restricted. | > 10 to 20 |
| C | Acceptable Delays: Major approach phase may become fully utilized. Most drivers feel somewhat restricted. | > 20 to 35 |
| D | Tolerable Delays: Drivers may wait through no more than one red indication. Queues may develop but dissipate rapidly, without excessive delays. | > 35 to 55 |
| E | Significant Delays: Volumes approaching capacity. Vehicles may wait through several signal cycles and long vehicle queues from upstream. | > 55 to 80 |
| F | Excessive Delays: Represents conditions at capacity, with extremely long delays. Queues may block upstream intersections. | > 80 |
| <i>Source: Highway Capacity Manual, Transportation Research Board, 2000.</i> <i>Note: * Average Control Delay includes the time for initial deceleration delay, queue move-up time, stopped delay, and final acceleration.</i> | | |

As described in Section *I.G. Consistency with Relevant Plans and Policies* of this EIR, the Santa Clara County Valley Transportation Authority (VTA) oversees the Santa Clara County Congestion Management Program (CMP). The relevant state legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of the increased gas tax revenues (refer to *Section I.G. Consistency with Relevant Plans and Policies* of this EIR). Since TRAFFIX is also the CMP designated intersection level of service methodology, the City of San José methodology employs the CMP default values for the analysis parameters. The minimum acceptable LOS for CMP designated regional intersections is LOS E.

Freeway Segments

Freeway segments analyzed in this section are listed in Table 5. The LOS for freeway segments is estimated based on vehicle density, considering vehicles per mile per lane (vpml), peak hour volume in vehicles per hour (vph), number of travel lanes, and average travel speed in miles per hour (mph). Freeway LOS criteria are shown in Table 3.

The CMP defines an acceptable level of service for freeway segments as LOS E or better.

| Table 3 Freeway Level of Service (Based on Density) | | |
|---|---|-------------------------------------|
| Level of Service | Description | Density (vehicles/mile/lane) |
| A | Average operating speeds at the free-flow speed generally prevail. Vehicles are almost completely unimpeded in their ability to maneuver within the traffic stream. | 0-11 |
| B | Speeds at the free-flow speed are generally maintained. The ability to maneuver within the traffic stream is only slightly restricted, and the general level of physical and psychological comfort provided to drivers is still high. | >11-18 |
| C | Speeds at or near the free-flow speed of the freeway prevail. Freedom to maneuver within the traffic stream is noticeably restricted, and lane changes require more vigilance on the part of the driver. | >18-26 |
| D | Speeds begin to decline slightly with increased flows at this level. Freedom to maneuver within the traffic stream is more noticeably limited, and the driver experiences reduced physical and psychological comfort levels. | >26-46 |
| E | At this level, the freeway operates at or near capacity. Operations in this level are volatile, because there are virtually no usable gaps in the traffic stream, leaving little room to maneuver within the traffic stream. | >46-58 |
| F | Vehicular flow breakdowns occur. Large queues form behind breakdown points. | >58 |
| <i>Source: Transportation Research Board, Highway Capacity Manual (2000) Washington, D.C.</i> | | |

Existing Signalized Intersection Level of Service

The results of the intersection LOS analysis under existing conditions are summarized in Table 4. The results show that, measured against City of San José and CMP standards, all of the signalized study intersections currently operate at acceptable levels of service during both the AM and PM peak hours.

| Table 4 Existing Intersection Levels of Service | | | |
|--|------------------|----------------------|------------|
| Study Intersection | Peak Hour | Average Delay | LOS |
| 1. Monterey Hwy. & Branham Lane* | AM PM | 41.3 36.2 | D D |
| 2. Monterey Hwy. & Chynoweth Ave. | AM PM | 40.1 39.2 | D D |
| 3. Blossom Hill Rd. & Snell Ave.* | AM PM | 43.2 46.3 | D D |
| 4. Blossom Hill Rd. & Lean Ave. | AM PM | 24.0 21.4 | C C |
| 5. Santa Teresa Blvd. & Snell Ave.* | AM PM | 35.1 33.0 | D C |
| 6. Santa Teresa Blvd. & Lean Ave. | AM PM | 27.1 29.6 | C C |
| 7. Blossom Hill Rd. & Beswick Dr. | AM PM | 21.3 21.6 | C C |
| 8. Blossom Hill Rd. & Poughkeepsie Rd. | AM PM | 10.2 13.6 | B B |
| 9. Monterey Hwy. & Blossom Hill Rd. (N)* | AM PM | 24.3 16.7 | C B |
| 10. Monterey Hwy. & Blossom Hill Rd. (S)* | AM PM | 23.0 21.0 | C C |
| 11. US 101 & Blossom Hill Rd (W)* | AM PM | 19.1 21.6 | B C |
| 12. US 101 & Blossom Hill Rd. (E)* | AM PM | 24.1 31.4 | C C |
| 13. Piercy Rd. & Silver Creek Valley Rd. | AM PM | 5.1 13.6 | A B |
| 14. Fontanoso Wy. & Silver Creek Valley Rd. | AM PM | 11.4 17.3 | B B |
| 15. Hellyer Ave. & Silver Creek Valley Rd. | AM PM | 17.6 15.9 | B B |
| 16. Cottle Rd. & Concord Dr. | AM PM | 25.1 22.8 | C C |
| 17. Cottle Rd. & Poughkeepsie Rd. | AM PM | 25.6 25.9 | C C |
| 18. Cottle Rd. & Beswick Dr. | AM PM | 34.2 50.6 | C D |

| Table 4 Existing Intersection Levels of Service | | | |
|--|------------------|----------------------|------------|
| Study Intersection | Peak Hour | Average Delay | LOS |
| 19. SR 85 & Cottle Rd. (N)* | AM PM | 11.7 12.8 | B B |
| 20. SR 85 & Cottle Rd. (S)* | AM PM | 25.8 27.9 | C C |
| 21. Cottle Rd. & Hospital Pkwy. | AM PM | 31.8 36.2 | C D |
| 22. Cottle Rd. & Santa Teresa Blvd. | AM PM | 34.9 25.9 | C D |
| 23. Santa Teresa Blvd. & Encinal Dr. | AM PM | 18.8 17.2 | B B |
| 24. Santa Teresa Blvd. & San Ignacio Ave. | AM PM | 23.2 18.7 | C B |
| 25. Via del Oro & San Ignacio Ave. | AM PM | 26.4 28.2 | C C |
| 26. Santa Teresa Blvd. & Great Oaks Blvd. | AM PM | 24.9 19.5 | C B |
| 27. Via del Oro & Great Oaks Blvd. | AM PM | 24.4 22.0 | C C |
| 28. San Ignacio Ave. & Great Oaks Blvd. | AM PM | 23.8 31.2 | C C |
| 29. SR 85 & Great Oaks Blvd. (S)* | AM PM | 16.6 16.7 | B B |
| 30. SR 85 & Great Oaks Blvd. (N)* | AM PM | 4.0 5.7 | A A |
| 31. Santa Teresa Blvd. & Martinvale Dr. | AM PM | 23.7 20.4 | C C |
| 32. Santa Teresa Blvd. & Bernal Rd. | AM PM | 32.0 37.9 | C D |
| 33. Realm & Bernal Rd. | AM PM | 19.0 20.4 | B C |
| 34. Via del Oro & Bernal Rd. | AM PM | 13.1 19.3 | B B |
| 35. San Ignacio Ave. & Bernal Rd. | AM PM | 20.1 29.8 | C C |
| 36. Monterey Hwy. & Bernal Rd. (N)* | AM PM | 22.2 24.6 | C C |
| 37. Monterey Hwy. & Bernal Rd. (S)* | AM PM | 4.8 5.4 | A A |
| 38. Monterey Hwy. & Bernal Rd. (E)* | AM PM | 11.8 17.3 | B B |
| 39. SR 85 & Bernal Rd.* | AM PM | 17.3 33.2 | B C |
| 40. US 101 & Bernal Rd. (W)* | AM PM | 12.3 13.6 | B B |

| Table 4 Existing Intersection Levels of Service | | | |
|--|------------------|----------------------|------------|
| Study Intersection | Peak Hour | Average Delay | LOS |
| 41. US 101 & Bernal Rd. (E) | AM | 19.5 | B |
| | PM | 12.9 | B |
| 42. Monterey Hwy. & Monterey Cr. | AM | 12.1 | B |
| | PM | 12.0 | B |
| <i>Note: * Denotes CMP intersection.</i> | | | |

Existing Freeway Levels of Service

Traffic volumes for the study freeway segments were obtained from the 2004 CMP Annual Monitoring Report. The results of the analysis are summarized in Table 5. The results show the following two study freeway segments currently operate at LOS F during the AM peak hour:

- US 101, northbound between Bernal Road and Silver Creek Road and
- US 101, northbound between Silver Creek Road and Hellyer Avenue.

Field Observations

Field observations of the study intersections in the project site vicinity were conducted in April of 2005. In general, the field observations found that the study intersections operate well during the AM and PM peak hours of traffic, and the level of service calculations appear to accurately reflect actual existing traffic conditions. However, field observations revealed that some operational problems currently occur during peak traffic periods (refer to Appendix D for discussion of traffic operations).

Blossom Hill Road Overpass at US 101/Monterey Road

Blossom Hill Road has two travel lanes in both the eastbound and westbound directions on the Monterey Highway overpass. During the AM peak hour, the majority of eastbound vehicles eventually enter US 101. Thus, the demand for the right eastbound through lane on the overpass is the greatest. Adjacent to the right through lane is an auxiliary lane that is used both by vehicles merging onto eastbound Blossom Hill Road from the Cottle Road/Concord Drive ramp, and by vehicles exiting Blossom Hill Road to Monterey Highway. The short auxiliary lane slows the flow of eastbound traffic on Blossom Hill Road as vehicles “weave” in and out of the lane. This in turn impedes the merging process, slowing the flow of traffic on the Blossom Hill Road overpass and on the ramp from Cottle Road/Concord Drive.

Table 5
Existing Freeway Levels of Service

| Freeway | Segment | Direction | Peak Hour | Mixed-Flow Lanes | | | | | HOV Lane Traffic Volume | | | | |
|---------|----------------------------------|-----------|-----------|-------------------------|------------|---------------------|---------|------------------|-------------------------|------------|---------------------|---------|------------------|
| | | | | Ave. Speed ¹ | # of Lanes | Volume ¹ | Density | LOS ² | Ave. Speed ¹ | # of Lanes | Volume ¹ | Density | LOS ² |
| US 101 | Sheller Ave. to Lane Drop | NB | AM | 66 | 3 | 5,150 | 26.0 | D | 67 | 1 | 1140 | 17.0 | B |
| | | | PM | 66 | 3 | 3,960 | 20.0 | C | 67 | 1 | 940 | 14.0 | B |
| | | SB | AM | 66 | 3 | 3,760 | 19.0 | C | 67 | 1 | 400 | 6.0 | A |
| | | | PM | 66 | 3 | 4,550 | 23.0 | C | 67 | 1 | 1070 | 16.0 | B |
| US 101 | Lane Drop to SR 85 | NB | AM | 65 | 3 | 5,850 | 30.0 | D | 67 | 1 | 670 | 10.0 | A |
| | | | PM | 67 | 3 | 3,620 | 18.0 | C | 67 | 1 | 940 | 14.0 | B |
| | | SB | AM | 67 | 4 | 4,290 | 16.0 | B | 67 | 1 | 540 | 8.1 | A |
| | | | PM | 66 | 4 | 7,390 | 28.0 | C | 66 | 1 | 1650 | 25.0 | C |
| US 101 | SR 85 to Bernal Rd. | NB | AM | 65 | 3 | 5,850 | 30.0 | D | 66 | 1 | 1320 | 20.0 | C |
| | | | PM | 67 | 3 | 3,020 | 15.0 | B | 67 | 1 | 670 | 10.0 | A |
| | | SB | AM | 67 | 3 | 3,620 | 18.0 | C | 67 | 1 | 670 | 10.0 | A |
| | | | PM | 66 | 3 | 4,550 | 23.0 | C | 66 | 1 | 1320 | 20.0 | C |
| US 101 | Bernal Rd. to Silver Creek Rd. | NB | AM | 32 | 3 | 5,950 | 62.0 | F | 67 | 1 | 1070 | 16.0 | B |
| | | | PM | 67 | 3 | 3,420 | 17.0 | B | 67 | 1 | 470 | 7.0 | A |
| | | SB | AM | 67 | 3 | 2,810 | 14.0 | B | 67 | 1 | 800 | 11.9 | B |
| | | | PM | 66 | 3 | 3,760 | 19.0 | C | 66 | 1 | 1780 | 27.0 | D |
| US 101 | Silver Creek Rd. to Hellyer Ave. | NB | AM | 23 | 3 | 5,240 | 75.9 | F | 63 | 1 | 2140 | 34.0 | D |
| | | | PM | 66 | 3 | 5,150 | 26.0 | D | 67 | 1 | 600 | 9.0 | A |
| | | SB | AM | 66 | 3 | 4,360 | 22.0 | C | 67 | 1 | 340 | 5.1 | A |
| | | | PM | 65 | 3 | 5,850 | 30.0 | D | 67 | 1 | 740 | 11.0 | B |
| US 101 | Hellyer Ave. to Yerba Buena Rd. | NB | AM | 36 | 3 | 6,050 | 56.0 | E | 65 | 1 | 1950 | 30.0 | D |
| | | | PM | 66 | 3 | 4,360 | 22.0 | C | 67 | 1 | 340 | 5.1 | A |
| | | SB | AM | 66 | 3 | 5,150 | 26.0 | D | 67 | 1 | 540 | 8.1 | A |
| | | | PM | 65 | 3 | 5,850 | 30.0 | D | 67 | 1 | 1070 | 16.0 | B |
| SR 85 | Bernal Rd. to Cottle Rd. | NB | AM | 67 | 2 | 1,740 | 13.0 | B | 67 | 1 | 470 | 7.0 | A |
| | | | PM | 66 | 2 | 2,510 | 19.0 | C | 67 | 1 | 200 | 3.0 | A |
| | | SB | AM | 67 | 2 | 2,280 | 17.0 | B | 67 | 1 | 540 | 8.1 | A |
| | | | PM | 67 | 2 | 2,280 | 17.0 | B | 67 | 1 | 600 | 9.0 | A |
| SR 85 | Cottle Rd. to Blossom Hill Rd. | NB | AM | 66 | 2 | 3,040 | 23.0 | C | 67 | 1 | 1010 | 15.1 | B |
| | | | PM | 65 | 2 | 3,900 | 30.0 | D | 67 | 1 | 340 | 5.1 | A |
| | | SB | AM | 64 | 2 | 4,220 | 33.0 | D | 67 | 1 | 270 | 4.0 | A |
| | | | PM | 65 | 2 | 3,900 | 30.0 | D | 67 | 1 | 870 | 13.0 | B |
| SR 85 | Blossom Hill Rd. to SR 87 | NB | AM | 64 | 2 | 4,100 | 32.0 | D | 67 | 1 | 1140 | 17.0 | B |
| | | | PM | 66 | 2 | 3,700 | 28.0 | D | 67 | 1 | 340 | 5.1 | A |
| | | SB | AM | 66 | 2 | 3,430 | 26.0 | C | 67 | 1 | 940 | 14.0 | B |
| | | | PM | 50 | 2 | 4,400 | 44.0 | D | 67 | 1 | 870 | 13.0 | B |

¹ Source: Santa Clara Valley Transportation Authority Congestion Management Program Monitoring Study, 2004.

² Freeway segment level of service is based on density (HCM 2000 Method).

Note: **Bold** indicates an unacceptable level of service.

Cottle Road and Concord Drive

During the PM peak hour, the northbound left-turn volume at this intersection is very high. As a result, the northbound left-turn vehicle queue often spills out of the turn pocket and extends past Poughkeepsie Road. The two northbound left-turn lanes from Cottle Road onto the eastbound Blossom Hill on-ramp merge into one lane, which causes excessive delay and reduces the efficiency of this movement. Due to the long northbound vehicle queues and the inefficient ramp design, it often takes two signal cycles for all queued vehicles to clear the intersection during the PM peak period of traffic.

This intersection operates well during the AM peak period of traffic.

Cottle Road and Poughkeepsie Road

During the PM peak hour, the northbound left turn vehicle queue occasionally spills out of the left turn pocket. When this occurs, however, the overflow does not interfere with the northbound through movement on Cottle Road and all vehicles turning left onto Poughkeepsie Road are able to clear the intersection in one signal cycle. Alternatively, the northbound through movement queue sometimes blocks access to the northbound left-turn pocket.

This intersection operates well during the AM peak period of traffic.

Cottle Road at the SR 85 Northbound On-ramp and Beswick Drive

During the AM peak hour, the demand for the SR 85 northbound on-ramp is high. The intersection of Cottle Road and Beswick Drive is adversely affected by the high volume of vehicles entering the freeway from southbound Cottle Road. The southbound right turn vehicle queue at the freeway on-ramp often extends past Beswick Drive as a result of the metering ramp, which affects the operations of the intersection of Cottle Road and Beswick Drive. Extensive vehicle stacking also occurs within the northbound left-turn pocket from Cottle Road onto the northbound SR 85 on-ramp. It frequently takes two signal cycles for all queued vehicles to clear the intersection. No vehicle spillover, however, was observed in the field. A second southbound right-turn lane currently is under construction, which should improve the operations of the SR 85 northbound on-ramp during the AM peak period.

This intersection operates well during the PM peak period of traffic.

Cottle Road and Hospital Parkway

During the AM peak hour, the southbound left-turn movement into Kaiser Santa Teresa Hospital experiences very high traffic volumes. As a result, the southbound left-turn vehicle queue consistently spills out of the left-turn pocket, and it frequently takes two signal cycles for all queued vehicles to clear the intersection.

This intersection operates well during the PM peak period of traffic.

Great Oaks Boulevard and San Ignacio Avenue

During the PM peak hour, the westbound left-turn vehicle queue occasionally spills out of the left turn pocket. The overflow does not interfere with the westbound through movement on Great Oaks Boulevard, however, and all vehicles turning left onto southbound San Ignacio Avenue are able to clear the intersection in one signal cycle.

This intersection operates well during the AM peak period of traffic.

San Ignacio Avenue and Bernal Road

The southbound left-turn volume is very high during the PM peak hour, while the available turn pocket storage is limited to 175 feet per lane due to the striping on San Ignacio Avenue. As a result, the vehicle queue frequently spills out of the turn pocket and blocks the southbound through lane. The long left-turn vehicle queues observed extended up to approximately 400 feet from the intersection. When queues of this length occurred, two signal cycles were needed for all vehicles to clear the intersection.

SR 85 Southbound Off-Ramp and Bernal Road

Eastbound vehicle queues at this intersection often extend past the eastbound on-ramp to Bernal Road from Monterey Highway, which causes a backup on the ramp during the AM and PM peak periods of traffic. This backup is noticeably worse during the PM peak hour because the volume of vehicles exiting southbound SR 85 is so much higher during the PM. Consequently, the freeway off-ramp is assigned more green time per cycle in the PM than in the AM, while Bernal Road is assigned less green time.

Background Conditions

The following discussion describes background traffic conditions. Traffic volumes for background conditions comprise volumes from existing traffic counts plus traffic generated by other approved but not yet constructed developments in the vicinity of the site.

The background conditions described below include the approximately 1.5 million square feet of industrial/R&D development already approved for the site. The background conditions summarized in Table 6 also include development from the recently approved Lowe's project, the Police Substation, and the Hitachi Campus and Transit Village project, all located on the adjacent properties west of the site. Background conditions also include planned intersection or roadway improvements, including those required of the recently approved projects.

Planned Roadway Improvements

The project site is located within Area 2 of the Edenvale Area Development Policy (EADP) area, which encompasses a total of 451 acres on both sides of US 101. Development in this area was master planned in the late 1990's, and the process culminated with establishment of various assessment and community facilities districts. The EADP also identified the timing of improvements, such that unacceptable LOS would be permitted at some locations on a temporary basis, until a specified level of industrial development was constructed and major transportation infrastructure with long lead times could be constructed. Most of the roadway improvements required to accommodate the planned development were funded through these

districts. This advanced planning effort in Edenvale did not include or assume, however, any additional development on the project site.¹⁴

Along with requiring construction of various local intersection improvements, the EADP identified three major regional transportation projects (known as the “Gateway improvements”) necessary for mitigating the traffic impacts associated with the Policy. These improvements include the widening of the Silicon Valley Boulevard bridge over Coyote Creek, improvement of the US 101/Hellyer Avenue interchange, and improvement of the US 101/Blossom Hill Road-Silver Creek Valley Road interchange. At this time, the Silicon Valley Boulevard bridge widening is complete and the two interchange improvements were slated to be funded by the City’s Redevelopment Agency (RDA). With the recent downturn in the economy and depletion of RDA funds, the timing of construction of these improvements is not known.¹⁵

At this time, only four of the intersection improvements with assessment district or CFD funding have not been completely constructed. As noted above, the planned improvements to the US 101/Blossom Hill Road-Silver Creek Valley Road interchange are unfunded. Improvements yet to be implemented at each study location are described separately below.

Funded Improvements

Fontanos Way and Silver Creek Valley Road. A third through lane will be added in both the eastbound and westbound directions, the existing eastbound left-turn pocket will be extended and a second eastbound left-turn pocket will be added (including a northbound receiving lane), a free southbound right turn lane will be added (including a westbound receiving lane), and a south leg will be constructed.

Cottle Road and Concord Drive. A southbound left-turn pocket will be added to accommodate traffic turning left into the Hitachi campus.

Cottle Road and Poughkeepsie Road. The existing northbound left-turn pocket will be extended and a second northbound left-turn pocket will be added.

SR 85 Northbound On-ramp and Cottle Road. A second southbound right turn lane will be added, including a third receiving lane on the northbound SR 85 on-ramp that will extend to the metering light.

SR 85 Southbound Off-ramp and Cottle Road. A second exclusive eastbound left-turn lane will be added. The westbound lane geometry will be one left-turn lane and one right-turn lane, and the westbound through movement from the Park-and-Ride lot to the southbound SR 85 on-ramp will be eliminated.

Great Oaks Boulevard and SR 85 Northbound On-Ramp. A second left-turn lane will be added to accommodate traffic turning left onto northbound SR 85 from northbound Great Oaks Boulevard.

¹⁴ Weerakoon, Ruani, City of San Jose, Redevelopment Agency, personal communications, 2004.

¹⁵ Ibid.

US 101 Off-Ramp and Silicon Valley Boulevard. Planned changes to this intersection include signalization and the addition of a second left-turn lane on the US 101 northbound off-ramp. A new HOV on-ramp to northbound US 101 also will be added on the north leg of the intersection. Construction is expected to be completed in 2005.

Unfunded Improvements

US 101/Hellyer Avenue Interchange. This improvement consists of widening the existing two-lane bridge across the freeway to accommodate four lanes of traffic and signal modifications at the northbound and southbound US 101 ramps.

US 101 SB Off-Ramp/Blossom Hill Road. A third through lane will be added in both the westbound and eastbound direction on Blossom Hill Road.

US 101 NB Off-ramp/Silver Creek Valley Road. These improvements include a third through lane in both the westbound and eastbound direction, plus a second northbound right-turn lane on the off-ramp, and a second eastbound left-turn lane from Silver Creek Valley Road to Coyote Road.

Background Traffic Volumes

Background traffic volumes were estimated by adding to existing peak hour volumes the projected volumes from approved but not yet completed developments in the project area. The added traffic from approved but not yet completed developments are included in an Approved Trips Inventory (ATI) that is maintained by City staff. The ATI includes traffic from the previously approved 1.5 million square feet of industrial development on the project site (as described previously, the site already has entitlements to build this amount of industrial development). The ATI also includes traffic generated by the nearby Police Substation, the approved Lowe's project, as well as the Hitachi Campus and Transit Village project

The background conditions discussed below, therefore, represent the City's best estimate of traffic conditions that could occur without the proposed project. Because the gateway improvements will be built, but the timing is still unknown, traffic conditions are shown both with and without those improvements.

Background Intersection Levels of Service

The results of the intersection level of service analysis under background conditions are summarized in Table 6. The results show that, measured against the City of San José standards, the following seven study intersections would operate at an unacceptable LOS E or worse during at least one of the peak hours under background conditions (shown in **Bold** in Table 6):

City of San José Intersections

- | | |
|---|--------------------------------------|
| – US 101 and Blossom Hill Road (W) | – SR 85 and Great Oaks Boulevard (S) |
| – US 101 and Blossom Hill Road (E) | – San Ignacio Avenue and Bernal Road |
| – San Ignacio Avenue and Great Oaks Boulevard | – SR 85 and Bernal Road |
| | – US 101 and Bernal Road (W) |

Table 6
Existing and Background Intersection Levels of Service

| Study Intersection | Peak Hour | Existing Conditions | | Background Conditions | | | |
|---|-----------|---------------------|--------|------------------------------------|----------------------|---------------------------------|---------------|
| | | Average Delay | LOS | Without Unfunded EADP Improvements | | With Unfunded EADP Improvements | |
| | | | | Average Delay | LOS | Average Delay | LOS |
| 1. Monterey Hwy. & Branham Lane* | AM PM | 41.3 36.2 | D D | 39.8 34.1 | D C | | |
| 2. Monterey Hwy. & Chynoweth Ave. | AM PM | 40.1 39.2 | D D | 43.3 39.0 | D D | | |
| 3. Blossom Hill Rd. & Snell Ave.* | AM PM | 43.2 46.3 | D D | 42.9 47.9 | D D | | |
| 4. Blossom Hill Rd. & Lean Ave. | AM PM | 24.0 21.4 | C C | 22.9 21.9 | C C | | |
| 5. Santa Teresa Blvd. & Snell Ave.* | AM PM | 35.1 33.0 | D C | 36.8 32.0 | D C | | |
| 6. Santa Teresa Blvd. & Lean Ave. | AM PM | 27.1 29.6 | C C | 29.8 28.4 | C C | | |
| 7. Blossom Hill Rd. & Beswick Dr. | AM PM | 21.3 21.6 | C C | 27.3 22.3 | C C | | |
| 8. Blossom Hill Rd. & Poughkeepsie Rd. | AM PM | 10.2 13.6 | B B | 21.8 22.2 | C C | | |
| 9. Monterey Hwy. & Blossom Hill Rd. (N)* | AM PM | 24.3 16.7 | C B | 52.5 26.4 | D C | | |
| 10. Monterey Hwy. & Blossom Hill Rd. (S)* | AM PM | 23.0 21.0 | C C | 26.7 42.3 | C D | | |
| 11. US 101 & Blossom Hill Rd (W)* | AM PM | 19.1 21.6 | B C | 102.5 209.6 | F F | 19.1 35.2 | B D |
| 12. US 101 & Blossom Hill Rd. (E)* | AM PM | 24.1 31.4 | C C | 178.2 282.1 | F F | 33.7 70.8 | C E |
| 13. Piercy Rd. & Silver Creek Valley Rd. | AM PM | 5.1 13.6 | A B | 47.0 32.3 | D C | | |

Table 6
Existing and Background Intersection Levels of Service

| Study Intersection | Peak Hour | Existing Conditions | | Background Conditions | | | |
|--|-----------|---------------------|-----|------------------------------------|-----|---------------------------------|-----|
| | | Average Delay | LOS | Without Unfunded EADP Improvements | | With Unfunded EADP Improvements | |
| | | | | Average Delay | LOS | Average Delay | LOS |
| 14. Fontanoso Wy & Silver Creek Valley Rd. | AM | 11.4 | B | 26.3 | C | | |
| | PM | 17.3 | B | 32.1 | C | | |
| 15. Hellyer Ave. & Silver Creek Valley Rd. | AM | 17.6 | B | 35.2 | D | | |
| | PM | 15.9 | B | 27.7 | C | | |
| 16. Cottle Rd. & Concord Dr. | AM | 25.1 | C | 35.3 | D | | |
| | PM | 22.8 | C | 44.4 | D | | |
| 17. Cottle Rd. & Poughkeepsie Rd. | AM | 25.6 | C | 34.3 | C | | |
| | PM | 25.9 | C | 43.5 | D | | |
| 18. Cottle Rd. & Beswick Dr. | AM | 34.2 | C | 37.1 | D | | |
| | PM | 50.6 | D | 44.6 | D | | |
| 19. SR 85 & Cottle Rd. (N)* | AM | 11.7 | B | 10.1 | B | | |
| | PM | 12.8 | B | 12.1 | B | | |
| 20. SR 85 & Cottle Rd. (S)* | AM | 25.8 | C | 27.9 | C | | |
| | PM | 27.9 | C | 26.4 | C | | |
| 21. Cottle Rd. & Hospital Pkwy. | AM | 31.8 | C | 34.3 | C | | |
| | PM | 36.2 | D | 38.3 | D | | |
| 22. Cottle Rd. & Santa Teresa Blvd. | AM | 34.9 | C | 48.5 | D | | |
| | PM | 25.9 | D | 53.5 | D | | |
| 23. Santa Teresa Blvd. & Encinal Dr. | AM | 18.8 | B | 13.2 | B | | |
| | PM | 17.2 | B | 13.3 | B | | |
| 24. Santa Teresa Blvd. & San Ignacio Ave. | AM | 23.2 | C | 20.2 | C | | |
| | PM | 18.7 | B | 20.5 | C | | |
| 25. Via del Oro & San Ignacio Ave. | AM | 26.4 | C | 39.7 | D | | |
| | PM | 28.2 | C | 30.1 | C | | |
| 26. Santa Teresa Blvd. & Great Oaks Blvd. | AM | 24.9 | C | 17.9 | B | | |
| | PM | 19.5 | B | 14.2 | B | | |

Table 6
Existing and Background Intersection Levels of Service

| Study Intersection | Peak Hour | Existing Conditions | | Background Conditions | | | |
|---|-----------|---------------------|-----|------------------------------------|----------|---------------------------------|-----|
| | | Average Delay | LOS | Without Unfunded EADP Improvements | | With Unfunded EADP Improvements | |
| | | | | Average Delay | LOS | Average Delay | LOS |
| 27. Via del Oro & Great Oaks Blvd. | AM | 24.4 | C | 25.2 | C | | |
| | PM | 22.0 | C | 31.6 | C | | |
| 28. San Ignacio Ave. & Great Oaks Blvd. | AM | 23.8 | C | 56.1 | E | | |
| | PM | 31.2 | C | 58.2 | E | | |
| 29. SR 85 & Great Oaks Blvd. (S)* | AM | 16.6 | B | 86.3 | F | | |
| | PM | 16.7 | B | 23.7 | C | | |
| 30. SR 85 & Great Oaks Blvd. (N)* | AM | 4.0 | A | 27.4 | C | | |
| | PM | 5.7 | A | 26.8 | D | | |
| 31. Santa Teresa Blvd. & Martinvale Dr. | AM | 23.7 | C | 13.4 | B | | |
| | PM | 20.4 | C | 11.2 | B | | |
| 32. Santa Teresa Blvd. & Bernal Rd. | AM | 32.0 | C | 41.8 | D | | |
| | PM | 37.9 | D | 44.7 | D | | |
| 33. Realm & Bernal Rd. | AM | 19.0 | B | 19.0 | B | | |
| | PM | 20.4 | C | 23.3 | C | | |
| 34. Via del Oro & Bernal Rd. | AM | 13.1 | B | 14.1 | B | | |
| | PM | 19.3 | B | 26.2 | C | | |
| 35. San Ignacio Ave. & Bernal Rd. | AM | 20.1 | C | 41.9 | D | | |
| | PM | 29.8 | C | 53.8 | D | | |
| 36. Monterey Hwy. & Bernal Rd. (N)* | AM | 22.2 | C | 31.3 | C | | |
| | PM | 24.6 | C | 24.9 | C | | |
| 37. Monterey Hwy. & Bernal Rd. (S)* | AM | 4.8 | A | 4.3 | A | | |
| | PM | 5.4 | A | 5.5 | A | | |
| 38. Monterey Hwy. & Bernal Rd. (E)* | AM | 11.8 | B | 12.7 | B | | |
| | PM | 17.3 | B | 17.6 | B | | |
| 39. SR 85 & Bernal Rd.* | AM | 17.3 | B | 36.7 | D | | |
| | PM | 33.2 | C | 77.9 | E | | |

Table 6
Existing and Background Intersection Levels of Service

| Study Intersection | Peak Hour | Existing Conditions | | Background Conditions | | | |
|---|-----------|---------------------|-----|------------------------------------|----------|---------------------------------|-----|
| | | Average Delay | LOS | Without Unfunded EADP Improvements | | With Unfunded EADP Improvements | |
| | | | | Average Delay | LOS | Average Delay | LOS |
| 40. US 101 & Bernal Rd. (W)* | AM | 12.3 | B | 65.2 | E | | |
| | PM | 13.6 | B | 12.8 | B | | |
| 41. US 101 & Bernal Rd. (E) | AM | 19.5 | B | 23.9 | C | | |
| | PM | 12.9 | B | 7.7 | A | | |
| 42. Monterey Hwy. & Monterey Cr. | AM | 12.1 | B | 11.6 | B | | |
| | PM | 12.0 | B | 12.3 | B | | |
| <i>Notes:</i> (*) Denotes CMP intersection. Bold indicates an unacceptable level of service. | | | | | | | |

All other signalized study intersections would operate at acceptable levels of service during both the AM and PM peak hours, according to City of San José standards.

CMP Intersections

The following three study CMP intersections would operate at an unacceptable LOS F during at least one of the peak hours of traffic under background conditions:

- US 101 and Blossom Hill Road (W)
- US 101 and Blossom Hill Road (E)
- SR 85 and Great Oaks Boulevard (S)

2. Transportation Impacts

Study Methodology

The City of San José's traffic forecasting model was developed to help the City project PM peak hour traffic impacts attributable to proposed changes to the City's General Plan. The model is implemented using the TRANPLAN transportation planning software system. The City's model includes the four elements traditionally associated with models of this kind. These elements include:

- Trip Generation,
- Trip Distribution,
- Mode Choice, and
- Traffic Assignment.

The fundamental structure of the model includes a computer readable representation of the street system (highway network) that defines street segments (links) identified by end points (nodes). Each roadway link is further represented by key characteristics (link data) that describe the length, travel speeds, and vehicular capacity of the roadway segment. Small geographic areas (traffic analysis zones also called TAZs) are used to represent the planned land use activity throughout the City's planning area. The boundaries of these small geographic areas are typically defined by the modeled street system, as well as natural and man-made barriers to traffic.

The trip generation element of the San José model projects the traffic attributable to normal household and employment centers using trip generation rates and factors. The trip generation rates were derived from the Metropolitan Transportation Commission's 1981 San Francisco Bay Region Travel Survey, Caltrans San Francisco Bay Region and San Diego Trip Generation Studies, the Institute of Transportation Engineering trip generation studies, and Arizona Department of Transportation studies.

In addition to providing projected PM peak hour volumes and ratios comparing projected traffic volume to available roadway capacity (V/C ratios) on each roadway segment, the model also provides information on vehicle-miles and vehicle-hours of travel by facility type (freeway, expressways, arterial streets, etc.). These informational reports are used to compare and evaluate the project traffic impacts attributable to proposed amendments to the currently adopted San José General Plan.

General Plan Amendment Impacts Thresholds of Significance

Transportation impacts for GPAs are evaluated using San José's subregional computer traffic model called TRANPLAN. This computer traffic model provides projections of future traffic volumes on the future upgraded and improved roadway system, taking into account the traffic from future development planned for in the City's own General Plan and in other adjacent jurisdictions. The TRANPLAN traffic model is used to evaluate the overall impacts to the roadway transportation system.

The determination of significance is based on the extent to which the proposed change contributes to existing peak-hour congestion in the vicinity of the proposed amendment. For this analysis, the addition of peak hour trips are determined on the congested links (LOS E or F) within approximately a two mile radius, measured from all boundaries of the project site. Congested links are grouped in sets and are generally major parallel facilities. This traffic analysis is based on the project described in Section *I.D. Description of the Proposed Project* of this EIR.

A transportation impact from the proposed land use amendment would be significant if:

- **The peak direction volume of LOS E/F links in the vicinity of the project site increases by 1.50 percent or more over the average volume of those congested links.**

General Plan Amendment Transportation Impacts

Four sets of roadway links operate at LOS E/ F for the adopted General Plan base case. The proposed GPA would not cause the peak direction volume to increase by more than 1.50 percent on any of the four roadway links (Table 7). Therefore, the overall increase in volumes on the link sets as a result of the proposed GPA would not constitute a significant transportation impact.

| Table 7 LOS E/F Link Volume Analysis (Land Use Changes Only) | | | |
|---|---------------------------------------|-----------------------------|----------------------|
| Link Set | Roadway | Segment | Volume Change |
| 1 | Almaden Expressway | South of Capitol Expressway | -15 |
| | Pearl Avenue | South of Capitol Expressway | -6 |
| | SR 87 | South of Capitol Expressway | 39 |
| | Link Set #1 Total Change | | 18 |
| | Link Set #1 Volume at 1.50% Threshold | | 51 < |
| 2 | Almaden Expressway | South of SR 85 | 12 |
| | Pearl Avenue | South of SR 85 | 35 |
| | Cottle Road | South of SR 85 | -17 |
| | Link Set #2 Total Change | | 30 |
| | Link Set #2 Volume at 1.50% Threshold | | 53 < |

| Table 7 LOS E/F Link Volume Analysis (Land Use Changes Only) | | | |
|--|---------------------------------------|-----------------------|---------------|
| Link Set | Roadway | Segment | Volume Change |
| 3 | Silver Creek Valley Road | East of US 101 | 21 |
| | Silicon Valley Road | East of US 101 | 12 |
| | Link Set #3 Total Change | | 33 |
| | Link Set #3 Volume at 1.50% Threshold | | 57 < |
| 4 | Blossom Hill Road | East of Monterey Road | -1 |
| | Link Set #4 Total Change | | -1 |
| | Link Set #4 Volume at 1.50% Threshold | | 65 < |
| Source: City of San José. GP03-02-05 LOS E/F Link Analysis, September 2, 2005. | | | |

Table 8 shows the changes in trips on the LOS E/F links with the addition of the GPA network changes. As shown in Table 7, the proposed GPA would result in less of an impact on the four roadway links with the incorporation of roadway network improvements.

- # **Full implementation of the proposed land use and roadway network changes to the General Plan would result in less significant impacts. (Less Than Significant Impact)**

| Table 8 LOS E/F Link Volume Analysis (Land Use and Roadway Network Changes) | | | |
|--|---------------------------------------|-----------------------------|----------------------|
| Link Set | Roadway | Segment | Volume Change |
| 1 | Almaden Expressway | South of Capitol Expressway | -48 |
| | Pearl Avenue | South of Capitol Expressway | -29 |
| | SR 87 | South of Capitol Expressway | 78 |
| | Link Set #1 Total Change | | 1 |
| | Link Set #1 Volume at 1.50% Threshold | | 51 < |
| 2 | Almaden Expressway | South of SR 85 | 75 |
| | Pearl Avenue | South of SR 85 | -86 |
| | Cottle Road | South of SR 85 | -134 |
| | Link Set #2 Total Change | | -145 |
| | Link Set #2 Volume at 1.50% Threshold | | 53 < |
| 3 | Silver Creek Valley Road | East of US 101 | -87 |
| | Silicon Valley Road | East of US 101 | 69 |
| | Link Set #3 Total Change | | -18 |
| | Link Set #3 Volume at 1.50% Threshold | | 57 < |

| Table 8 LOS E/F Link Volume Analysis (Land Use and Roadway Network Changes) | | | |
|---|---------------------------------------|-----------------------|---------------|
| Link Set | Roadway | Segment | Volume Change |
| 4 | Blossom Hill Road | East of Monterey Road | -2 |
| | Link Set #4 Total Change | | -2 |
| | Link Set #4 Volume at 1.50% Threshold | | 65 < |
| Source: City of San José. GP03-02-05 (with network changes) LOS E/F Link Analysis, September 2, 2005. | | | |

Specific Development Project Impacts Thresholds of Significance

City of San José Intersections

For the purpose of this EIR, a near-term traffic impact from the proposed Planned Development zoning project is considered significant at a signalized intersection in the City of San José if for either peak hour the project would:

- Cause the level of service at a local intersection to degrade from an acceptable LOS D or better under background conditions to an unacceptable LOS E or worse under project conditions; or
- Cause the critical-movement delay at a local intersection with an unacceptable LOS E or LOS F under background conditions to degrade through an increase of four or more seconds and a demand-to-capacity ratio (V/C) increase of .01 (1%) or more.

An exception to this rule applies when the addition of project traffic reduces the amount of average stopped delay for critical movements (i.e., the change in average stopped delay for critical movements is negative). In this case, the threshold of significance is an increase in the critical V/C value by .01 or more.

CMP Intersections and Freeway Segments

For the purpose of this EIR, a near-term traffic impact from the proposed Planned Development zoning project is considered significant at a CMP intersection or freeway segment if the project would:

- Cause the LOS of CMP regional intersections in Santa Clara County to drop below LOS E or cause critical movement delay at such an intersection that is already operating at LOS F to increase by four or more seconds;
- Cause a freeway segment to operate at LOS F, or contribute traffic in excess of one percent (1%) of segment capacity to a freeway segment already operating at LOS F;

Other Thresholds

For the purpose of this EIR, a near-term traffic impact from the proposed Planned Development zoning project is considered significant if the proposed project would:

- Impede the development or function of planned pedestrian or bicycle facilities;
- Conflict with adopted plans or policies supporting alternative transportation; or
- Create an operational safety hazard.

The following discussion describes the impacts of the proposed development on the surrounding transportation system. Project impacts are identified by comparing the LOS results under project conditions (background condition volumes plus project-generated traffic) to those under background conditions.

Transportation Network

The following roadway network improvements are required with the buildout of the Hitachi Campus and Mixed-Use Transit Village project and the buildout of the proposed project. However, if the proposed project develops before the full buildout of the Hitachi project, then these improvements would be a requirement of the proposed project.

Great Oaks Boulevard. Reoccupation of the industrial core on the Hitachi campus will require a four-lane Great Oaks Boulevard from SR 85 to Cottle Road. In the interim, a two-lane Great Oaks Boulevard from SR 85 to Cottle Road will accommodate combined project traffic from the project site and the adjacent Hitachi site. However, if a two-lane Great Oaks Boulevard is not constructed by Hitachi between SR 85 and Cottle Road before completion of the proposed project, then a four-lane Great Oaks Boulevard connecting the project site to SR 85 will be required in order to accommodate the anticipated traffic volumes that will occur with the development of the proposed project.

Via del Oro. The segment of Via del Oro that passes under SR 85 and continues to the north would be upgraded to public street standards. Upgrading this segment of Via del Oro would require coordination with Caltrans, since this segment of roadway is located within their right-of-way.

As part of the proposed project, public north-south and west-east roadways would be constructed, providing access through the project site and connecting to Great Oaks Boulevard and Via del Oro. These roadways would be constructed to the satisfaction of the City's Director of Public Works. Figure 7 shows possible future public or private roadway alignments.

Site Access and Circulation

Great Oaks Boulevard and Via del Oro would provide the only public street access to the project site. Site access through the Hitachi Campus would not be possible, since the roadway network within the Hitachi campus consists of private streets.

Project Traffic Volumes

As described in *Section I.*, the site is approved for up to approximately 1.5 million square feet of industrial park development. The project proposes to develop up to one million square feet of industrial office/R&D uses and up to 450,000 square feet of commercial/retail uses. Therefore, for the project scenario, the approved office/R&D trips associated with 1.5 million square feet of industrial park uses (which were included in the background conditions) were subtracted and replaced with the trips from the proposed one million square feet of office/R&D uses and 450,000 square feet of retail uses, using the proposed points of access.

The magnitude of traffic produced by a new development and the locations where that traffic would appear are estimated using a three-step process: 1) trip generation, 2) trip distribution, and 3) trip assignment. In determining project trip generation, the magnitude of traffic entering and exiting the site is estimated for the AM and PM peak hours. As part of the project trip distribution, an estimate is made of the directions to and from which the project trips would travel. In the project trip assignment, the project trips are assigned to specific streets and intersections. These procedures are described further in the following sections.

Trip Generation

The magnitude of traffic added to the roadway system by a particular development is estimated by multiplying the applicable trip generation rates by the size of the development. The recommended trip generation rates for use in the City of San José are detailed in *Interim Guidelines for Traffic Impact Analysis of Land Use Developments* (1994). The rates used for the proposed mixed-use project were *Regional Retail Shopping Center* (300,000 – 600,000 square feet) and *Research & Development (R&D)*.

Trip generation for retail uses are typically adjusted to account for pass-by-trips. Pass-by-trips are trips that would already be on the adjacent roadways (and are therefore already counted in the background traffic) but would turn into the site while passing. Justification for applying the pass-by-trip reduction is founded on the observation that such retail traffic is not actually generated by the retail development, but is already part of the ambient traffic levels. Pass-by-trips are therefore excluded from the traffic projections. A pass-by trip reduction of 25 percent normally is applied to the retail component of a typical project. However, due to the somewhat isolated location of the proposed project, the configuration of the property and the limited access points, a pass-by trip reduction was not applied for this project.

A maximum three percent trip reduction was applied to the employment component of the project to account for internal trips, since the project proposes employment and employee-serving retail. A three percent transit reduction also was applied since the project site is located within walking distance of an LRT station. These standard trip reductions are based on the Congestion Management Program TIA Guidelines.

After applying the trip generation rates and trip reductions to the proposed development, it is estimated that the proposed project would generate a total of 29,352 daily trips, with 1,641 trips during the AM peak hour (1,269 inbound/ 372 outbound) and 3,018 trips occurring during the PM peak hour (1,088 inbound/ 1,931 outbound). The project trip generation assumptions are presented in Table 9. As shown in Table 9, the net increase in project trips, as compared to the existing entitlements, would be 17,759 daily trips, with a net decrease of

214 trips (-215 inbound/one outbound) occurring during the AM peak hour and a net increase of 1,395 trips (926 inbound/470 outbound) occurring during the PM peak hour.

Table 9
Project Trip Generation Assumptions

| Table 9 Project Trip Generation Assumptions | | | | | | | | | | | | | | | |
|--|-------------------|-------------------------|-------------|-------------------|------|-------|-------|-------|-----|-------------------|------|-------|-------|-------|-------|
| Land Use | Size ¹ | Daily Rate ² | Daily Trips | AM Peak Hour | | | | | | PM Peak Hour | | | | | |
| | | | | Rate ² | % In | % Out | Total | In | Out | Rate ² | % In | % Out | Total | In | Out |
| Proposed Project | | | | | | | | | | | | | | | |
| Retail ³ | 450 | 50 | 22,500 | 0.02 | 70 | 30 | 450 | 315 | 135 | 0.09 | 50 | 50 | 2,025 | 1,013 | 1,013 |
| R&D | 1,000 | 8 | 8,000 | 0.16 | 80 | 20 | 1,280 | 1,024 | 256 | 0.14 | 10 | 90 | 1,120 | 112 | 1,008 |
| 3% Internal Trip Reduction ⁴ | | | -240 | | | | -38 | -31 | -8 | | | | -34 | -3 | -30 |
| Subtotal: | | | 30,260 | | | | 1,692 | 1,308 | 383 | | | | 3,111 | 1,121 | 1,990 |
| 3% Transit Reduction ⁵ | | | -908 | | | | -51 | -39 | -11 | | | | -93 | -34 | -60 |
| Total Project Trips: | | | 29,352 | | | | 1,641 | 1,269 | 372 | | | | 3,018 | 1,088 | 1,931 |
| Existing Entitlements | | | | | | | | | | | | | | | |
| R&D | 1,494 | 8 | 11,952 | 0.16 | 80 | 20 | 1,912 | 1,530 | 382 | 0.14 | 10 | 90 | 1,673 | 167 | 1,506 |
| 3% Transit Reduction ⁵ | | | -359 | | | | 57 | 46 | 11 | | | | 50 | 5 | 45 |
| Total Trips Under Existing Entitlements: | | | 11,593 | | | | 1,855 | 1,484 | 371 | | | | 1,623 | 162 | 1,461 |
| Total Net Project Trips (Total Project Trips - Trips Under Existing Entitlements) | | | 17,759 | | | | -214 | -215 | 1 | | | | 1,395 | 926 | 470 |
| Notes: | | | | | | | | | | | | | | | |
| ¹ Retail and R&D size expressed in 1,000 square feet. | | | | | | | | | | | | | | | |
| ² Trip rates based on City of San José Interim Guidelines for Traffic Analysis of Land Use Developments March 1994. | | | | | | | | | | | | | | | |
| ³ The regional shopping center rate was applied to the proposed retail use because a trip generation survey of a site with similar use supported the regional shopping center rate. | | | | | | | | | | | | | | | |
| ⁴ A 3% trip reduction was applied to the employment component, since the project proposes employment and employee-serving retail. This standard reduction is based on the Congestion Management Program TIA Guidelines. | | | | | | | | | | | | | | | |
| ⁵ A 3% transit reduction was applied since the project would be located within approximately 2,000 feet of a LRT station. This standard reduction is based on the Congestion Management Program TIA Guidelines. | | | | | | | | | | | | | | | |

Trip Distribution and Assignment

The trip distribution pattern and assignments for the proposed project are described and shown graphically in the Transportation Impact Analysis in Appendix D of this EIR. The peak hour trips generated by the proposed development were assigned to the roadway system in accordance with these trip distribution patterns.

The trip distribution pattern applied to the previously approved office/R&D development is described and shown graphically in Appendix D of this EIR.

Project Traffic Volumes

Projected peak hour traffic volumes with the project (hereafter called project traffic volumes) were estimated by adding to background traffic volumes the traffic generated by the proposed project. Since the proposed project would replace the 1.5 million square feet of R&D development approved for the project site, the trips for the existing entitlements (approximately 1.5 million square feet of R&D development) were first subtracted from the background traffic volumes before adding the traffic generated by the proposed project.¹⁶ Refer to Table 9 for the net increase in trips resulting from the project, as compared to the trips generated by the existing entitlements.

Project conditions were evaluated relative to background conditions in order to determine potential project impacts.

Project Intersection Levels of Service

City of San José Intersections

Level of service (LOS) calculations were conducted using TRAFFIX, which is the method used by both the City and the Congestion Management Agency (CMA). The results of the intersection LOS analysis under project conditions are summarized in Table 10. The results show that, according to City of San José LOS standards, the following four signalized study intersections would be significantly impacted by the project during the PM peak hour:

- Monterey Highway and Blossom Hill Road (S)
- US 101 and Blossom Hill Road (W)
- San Ignacio Avenue and Great Oaks Boulevard
- San Ignacio Avenue and Bernal Road

Note that the LOS at some of the study intersections actually improve under project conditions when compared to background conditions. The reason for this is that the project proposes to replace the entitled 1.5 million square feet of industrial office/R&D development with one million square feet of industrial office/R&D development and 450,000 square feet of commercial development. The trip generation and assignment patterns vary for these land uses. The result is lower peak hour turning-movement volumes for some critical movements at some of the study intersections with the proposed project than with the existing entitlements. Consequently, the LOS at some of the study intersections actually improve when the traffic from the proposed project is added to the background peak hour traffic volumes.

None of the other signalized local study intersections would be significantly impacted by the project, based on the thresholds of significance.

- # **The proposed project would result in significant impacts associated with increased congestion at four local City of San José intersections. (Significant Impact)**

¹⁶ Although this approach provides a larger estimate of the project trips, it does not overstate or understate the traffic impacts, due to the added capacity in the system from subtracting the 1.5 million of R&D development entitlements.

CMP Intersections

Based on the CMP LOS standards, the following CMP intersection would be significantly impacted by the project during the PM peak hour:

- US 101 and Blossom Hill Road (W)

None of the other signalized regional study intersections would be significantly impacted by the project, based on the thresholds of significance.

- # **The proposed project would result in significant impacts to one of the regional study intersections. (Significant Impact)**

Edenvale Area Development Policy

The proposed project is located within the boundary of the Edenvale Area Development Policy (EADP), which is described in *Section I. Project Information* and in subsection *I.G.2. Local Plans* in this EIR. The EADP area is located east of US 101 and was adopted to provide for the timely approval of up to 5.2 million square feet of R&D/industrial development in conjunction with major regional transportation improvement projects at the gateway locations of the US 101/Blossom Hill-Silver Creek Valley Road interchange and the US 101/Hellyer Avenue interchange.

The Policy allows interim congestion levels to exceed the LOS policy standards (LOS D) at these gateway intersections, until the gateway improvements are constructed. However, the Policy stipulates that the condition of the transportation system would be returned to a level that is better than or equal to background conditions once the improvements are constructed for the EADP area.

Since the project site is located within the EADP area, project traffic would travel through the following EADP Gateways: US 101/Blossom Hill-Silver Creek Valley Road and US 101/Hellyer Avenue interchanges. The LOS analysis indicates that the proposed project would have a significant LOS impact at US 101/Blossom Hill Road.

- # **The proposed project would result in a significant LOS impact on the US 101 Blossom Hill-Silver Creek Valley Road. (Significant Impact)**

Project Freeway Segment Analysis

Traffic volumes on the study freeway segments under project conditions were estimated by adding project trips to existing volumes obtained from the 2004 CMP Annual Monitoring Report. The results of the freeway analysis are summarized in Table 11. The results show that the project would not cause a significant increase in traffic on any of the study freeway segments based on the thresholds of significance identified at the beginning of this section.

- # **The proposed project would not result in a significant impact on any of the study freeway segments. (Less Than Significant Impact)**

Table 10
Background and Project Intersection Levels of Service

| Intersection | Peak Hour | Without Unfunded EADP Improvements | | | | | | With Unfunded EADP Improvements | | | |
|---|-----------|------------------------------------|----------|--------------------|----------|----------------------------|--------------------------|---------------------------------|-----|--------------------|-----|
| | | Background Conditions | | Project Conditions | | | | Background Conditions | | Project Conditions | |
| | | Average Delay | LOS | Average Delay | LOS | Increase In Critical Delay | Increase In Critical V/C | Average Delay | LOS | Average Delay | LOS |
| 1. Monterey Hwy. & Branham Lane* | AM | 39.8 | D | 39.8 | D | 0.0 | 0.000 | | | | |
| | PM | 34.1 | C | 34.1 | C | 0.0 | 0.000 | | | | |
| 2. Monterey Hwy. & Chynoweth Ave. | AM | 43.3 | D | 43.3 | D | 0.0 | 0.000 | | | | |
| | PM | 39.0 | D | 39.0 | D | 0.0 | 0.000 | | | | |
| 3. Blossom Hill Rd. & Snell Ave.* | AM | 42.9 | D | 42.9 | D | 0.0 | 0.000 | | | | |
| | PM | 47.9 | D | 47.9 | D | 0.0 | 0.000 | | | | |
| 4. Blossom Hill Rd. & Lean Ave. | AM | 22.9 | C | 22.9 | C | 0.0 | 0.000 | | | | |
| | PM | 21.9 | C | 21.9 | C | 0.0 | 0.000 | | | | |
| 5. Santa Teresa Blvd. & Snell Ave.* | AM | 36.8 | D | 36.8 | D | 0.0 | 0.000 | | | | |
| | PM | 32.0 | C | 32.0 | C | 0.0 | 0.000 | | | | |
| 6. Santa Teresa Blvd. & Lean Ave. | AM | 29.8 | C | 29.8 | C | 0.0 | 0.000 | | | | |
| | PM | 28.4 | C | 28.4 | C | 0.0 | 0.000 | | | | |
| 7. Blossom Hill Rd. & Beswick Dr. | AM | 27.3 | C | 27.2 | C | 0.0 | 0.004 | | | | |
| | PM | 22.3 | C | 24.4 | C | 2.0 | 0.048 | | | | |
| 8. Blossom Hill Rd. & Poughkeepsie Rd. | AM | 21.8 | C | 18.2 | B | -2.4 | -0.106 | | | | |
| | PM | 22.2 | C | 19.1 | B | -6.5 | -0.191 | | | | |
| 9. Monterey Hwy. & Blossom Hill Rd. (N)* | AM | 52.5 | D | 52.4 | D | 0.0 | 0.000 | | | | |
| | PM | 26.4 | C | 28.1 | C | 2.7 | 0.022 | | | | |
| 10. Monterey Hwy. & Blossom Hill Rd. (S)* | AM | 26.7 | C | 27.1 | C | 0.8 | 0.007 | | | | |
| | PM | 42.3 | D | 58.2 | E | 24.9 | 0.072 | | | | |
| 11. US 101 & Blossom Hill Rd (W)* | AM | 102.5 | F | 100.1 | F | -2.7 | -0.006 | 19.1 | B | 19.1 | B |
| | PM | 209.6 | F | 221.7 | F | 12.4 | 0.028 | 35.2 | D | 38.6 | D |
| 12. US & Blossom Hill Rd. (E)* | AM | 178.2 | F | 175.6 | F | -2.0 | -0.005 | 33.7 | C | 33.2 | C |
| | PM | 282.1 | F | 278.9 | F | -3.0 | -0.006 | 70.8 | E | 69.7 | E |

Table 10
Background and Project Intersection Levels of Service

| Intersection | Peak Hour | Without Unfunded EADP Improvements | | | | | | With Unfunded EADP Improvements | | | |
|--|-----------|------------------------------------|-----|--------------------|-----|----------------------------|--------------------------|---------------------------------|-----|--------------------|-----|
| | | Background Conditions | | Project Conditions | | | | Background Conditions | | Project Conditions | |
| | | Average Delay | LOS | Average Delay | LOS | Increase In Critical Delay | Increase In Critical V/C | Average Delay | LOS | Average Delay | LOS |
| 13. Piercy Rd. & Silver Creek Valley Rd. | AM | 47.0 | D | 46.9 | D | -0.3 | 0.000 | | | | |
| | PM | 32.3 | C | 33.0 | C | 1.0 | 0.009 | | | | |
| 14. Fontanoso Wy & Silver Creek Valley Rd. | AM | 26.3 | C | 31.0 | C | 6.0 | -0.004 | | | | |
| | PM | 32.1 | C | 50.9 | D | 22.8 | 0.474 | | | | |
| 15. Hellyer Ave. & Silver Creek Valley Rd. | AM | 35.2 | D | 34.9 | C | -0.4 | -0.004 | | | | |
| | PM | 27.7 | C | 27.7 | C | 0.0 | 0.000 | | | | |
| 16. Cottle Rd. & Concord Dr. | AM | 35.3 | D | 35.6 | D | 1.2 | 0.012 | | | | |
| | PM | 44.4 | D | 50.3 | D | 5.0 | 0.033 | | | | |
| 17. Cottle Rd. & Poughkeepsie Rd. | AM | 34.3 | C | 34.8 | C | 0.3 | 0.004 | | | | |
| | PM | 43.5 | D | 53.3 | D | 17.8 | 0.091 | | | | |
| 18. Cottle Rd. & Beswick Dr. | AM | 37.1 | D | 36.8 | D | -0.4 | -0.004 | | | | |
| | PM | 44.6 | D | 49.7 | D | 4.6 | 0.044 | | | | |
| 19. SR 85 & Cottle Rd. (N)* | AM | 10.1 | B | 10.0 | A | -0.1 | 0.005 | | | | |
| | PM | 12.1 | B | 12.4 | B | 0.8 | 0.028 | | | | |
| 20. SR 85 & Cottle Rd. (S)* | AM | 27.9 | C | 28.2 | C | 0.5 | 0.010 | | | | |
| | PM | 26.4 | C | 27.4 | C | 0.6 | 0.013 | | | | |
| 21. Cottle Rd. & Hospital Pkwy. | AM | 34.3 | C | 34.4 | C | 0.2 | 0.006 | | | | |
| | PM | 38.3 | D | 38.8 | D | 1.1 | 0.019 | | | | |
| 22. Cottle Rd. & Santa Teresa Blvd. | AM | 48.5 | D | 46.7 | D | -3.5 | -0.020 | | | | |
| | PM | 53.5 | D | 54.7 | D | 2.6 | 0.009 | | | | |
| 23. Santa Teresa Blvd. & Encinal Dr. | AM | 13.2 | B | 12.9 | B | -0.3 | -0.024 | | | | |
| | PM | 13.3 | B | 13.1 | B | -0.2 | -0.015 | | | | |
| 24. Santa Teresa Blvd. & San Ignacio Ave. | AM | 20.2 | C | 18.8 | B | -14.8 | -0.076 | | | | |
| | PM | 20.5 | C | 20.3 | C | -0.5 | -0.049 | | | | |

Table 10
Background and Project Intersection Levels of Service

| Intersection | Peak Hour | Without Unfunded EADP Improvements | | | | | | With Unfunded EADP Improvements | | | |
|---|-----------|------------------------------------|----------|--------------------|----------|----------------------------|--------------------------|---------------------------------|-----|--------------------|-----|
| | | Background Conditions | | Project Conditions | | | | Background Conditions | | Project Conditions | |
| | | Average Delay | LOS | Average Delay | LOS | Increase In Critical Delay | Increase In Critical V/C | Average Delay | LOS | Average Delay | LOS |
| 25. Via del Oro & San Ignacio Ave. | AM | 39.7 | D | 36.3 | D | -4.1 | -0.081 | | | | |
| | PM | 30.1 | C | 34.1 | C | 7.8 | 0.107 | | | | |
| 26. Santa Teresa Blvd. & Great Oaks Blvd. | AM | 17.9 | B | 17.9 | B | -0.1 | -0.004 | | | | |
| | PM | 14.2 | B | 14.9 | B | 0.6 | 0.008 | | | | |
| 27. Via del Oro & Great Oaks Blvd. | AM | 25.2 | C | 25.4 | C | 0.3 | 0.042 | | | | |
| | PM | 31.6 | C | 39.4 | D | 13.6 | 0.134 | | | | |
| 28. San Ignacio Ave. & Great Oaks Blvd. | AM | 56.1 | E | 41.0 | D | -25.9 | -0.115 | | | | |
| | PM | 58.2 | E | 83.7 | F | 40.0 | 0.101 | | | | |
| 29. SR 85 & Great Oaks Blvd. (S)* | AM | 86.3 | F | 78.2 | E | -12.5 | -0.031 | | | | |
| | PM | 23.7 | C | 24.2 | C | -0.1 | -0.002 | | | | |
| 30. SR 85 & Great Oaks Blvd. (N)* | AM | 27.4 | C | 14.0 | B | -21.2 | -0.124 | | | | |
| | PM | 26.8 | D | 34.3 | C | -0.3 | -0.002 | | | | |
| 31. Santa Teresa Blvd. & Martinvale Dr. | AM | 13.4 | B | 13.4 | B | 0.0 | -0.001 | | | | |
| | PM | 11.2 | B | 11.2 | B | 1.0 | 0.002 | | | | |
| 32. Santa Teresa Blvd. & Bernal Rd. | AM | 41.8 | D | 41.9 | D | 0.0 | 0.002 | | | | |
| | PM | 44.7 | D | 45.9 | D | 2.0 | 0.013 | | | | |
| 33. Realm & Bernal Rd. | AM | 19.0 | B | 18.9 | B | -0.2 | 0.004 | | | | |
| | PM | 23.3 | C | 23.1 | C | -0.1 | 0.003 | | | | |
| 34. Via del Oro & Bernal Rd. | AM | 14.1 | B | 13.2 | B | -0.8 | 0.010 | | | | |
| | PM | 26.2 | C | 26.5 | C | 2.9 | 0.065 | | | | |
| 35. San Ignacio Ave. & Bernal Rd. | AM | 41.9 | D | 30.5 | C | -32.2 | -0.079 | | | | |
| | PM | 53.8 | D | 72.0 | E | 30.7 | 0.067 | | | | |
| 36. Monterey Hwy. & Bernal Rd. (N)* | AM | 31.3 | C | 31.6 | C | 0.5 | 0.004 | | | | |
| | PM | 24.9 | C | 26.2 | C | 3.1 | 0.034 | | | | |

Table 10
Background and Project Intersection Levels of Service

| Intersection | Peak Hour | Without Unfunded EADP Improvements | | | | | | With Unfunded EADP Improvements | | | |
|--|-----------|------------------------------------|----------|--------------------|----------|----------------------------|--------------------------|---------------------------------|-----|--------------------|-----|
| | | Background Conditions | | Project Conditions | | | | Background Conditions | | Project Conditions | |
| | | Average Delay | LOS | Average Delay | LOS | Increase In Critical Delay | Increase In Critical V/C | Average Delay | LOS | Average Delay | LOS |
| 37. Monterey Hwy. & Bernal Rd. (S)* | AM | 4.3 | A | 4.2 | A | 2.0 | 0.024 | | | | |
| | PM | 5.5 | A | 5.8 | A | 0.4 | 0.032 | | | | |
| 38. Monterey Hwy. & Bernal Rd. (E)* | AM | 12.7 | B | 13.2 | B | 0.5 | 0.134 | | | | |
| | PM | 17.6 | B | 20.1 | C | 2.5 | 0.220 | | | | |
| 39. SR 85 & Bernal Rd.* | AM | 36.7 | D | 36.4 | D | -0.2 | -0.001 | | | | |
| | PM | 77.9 | E | 76.9 | E | 1.0 | 0.003 | | | | |
| 40. US 101 & Bernal Rd. (W)* | AM | 65.2 | E | 55.5 | E | -10.2 | -0.025 | | | | |
| | PM | 12.8 | B | 13.3 | B | 0.8 | 0.041 | | | | |
| 41. US 101 & Bernal Rd. (E) | AM | 23.9 | C | 23.2 | C | -2.2 | -0.009 | | | | |
| | PM | 7.7 | A | 9.4 | A | 2.6 | 0.037 | | | | |
| 42. Monterey Hwy. & Monterey Cr. | AM | 11.6 | B | 11.6 | B | 0.0 | 0.000 | | | | |
| | PM | 12.3 | B | 12.7 | B | 0.6 | 0.002 | | | | |
| <i>Notes:</i> (*) Denotes CMP intersection. Bold indicates an unacceptable level of service. Shading indicates a significant project impact. | | | | | | | | | | | |

Bicycle and Pedestrian Impacts

The project site is located in the Edenvale area of southern San José, an area containing a mix of residential, commercial, and industrial uses. Pedestrian traffic in the area is generated primarily by residents and individuals employed in the area who walk to and from nearby bus stops, parks, schools, and retail establishments. The Santa Teresa LRT station/transit center is located within walking distance of the project site. However, there are currently no sidewalks along Via del Oro north of the SR 85 overpass to provide pedestrian access and accommodate walking trips to and from the project site.

A reasonable assumption for bicycle trip generation would be a one percent mode share. This equals approximately 16 AM peak hour and 30 PM peak hour bicycle commute trips. Only Monterey Highway and Santa Teresa Boulevard contain bike lanes near the project site. No future bike lanes are planned in the immediate vicinity of the project site. Based on the low volume of bicycle trips anticipated to be generated by this project, the existing roadway facilities would be able to accommodate the bicycle trips generated by the proposed project.

The proposed project would not have a significant impact on the existing bicycle facilities in the project study area. Pedestrian facilities are adequate except along Via del Oro north of the SR 85 overpass where there is no sidewalk. (Significant Impact)

Transit Impacts

Assuming up to three percent transit mode (which is probably the highest that could be expected) for employees of the proposed industrial and commercial uses and the retail customers, yields approximately 80 transit trips during the AM peak hour and approximately 150 transit trips during the PM peak hour. The Santa Teresa LRT station/transit center serves as the end of the line for six of the eight bus lines that currently provide service to the transit center. The remaining two bus lines stop at the transit center and provide service to the north and south. Assuming the existing service would remain unchanged, with eight bus lines providing service with 30-minute headways and the LRT providing service with 15-minute headways, the number of transit riders during the peak commute period (PM peak hour) would equate to only about six riders per bus/LRT train. These new riders could easily be accommodated by the current available ridership capacity of the existing bus and LRT facilities in the project study area. Therefore, no improvements to the existing bus or LRT service would be necessary.

Caltrain currently serves the adjacent Hitachi campus. The Blossom Hill Caltrain station is located near the site along Monterey Highway, near the Ford Road intersection. The associated Park-and-Ride lot is located on the east side of Monterey Highway south of Ford Road. Currently, access to the Caltrain station and Park-and-Ride lot from the areas west of Monterey Highway require traversing the Blossom Hill Road over crossing and the ramps to Monterey highway, neither of which provide sidewalks. Phase 1 of the recently approved Hitachi Site Master Plan project will include a pedestrian undercrossing to the Blossom Hill Caltrain station. The undercrossing will provide a safe and direct pedestrian route between the Caltrain station and the project site.

**Table 11
Existing Freeway Levels of Service**

| Freeway | Segment | Direction | Peak Hour | Mixed-Flow Lanes | | | | | HOV Lane Traffic Volume | | | | | Project Trips | | | | | |
|---------|----------------------------------|-----------|-----------|-------------------------|------------|---------------------|---------|------------------|-------------------------|------------|---------------------|---------|------------------|---------------|------------|------------|----------|------------|---------------------|
| | | | | Ave. Speed ¹ | # of Lanes | Volume ¹ | Density | LOS ² | Ave. Speed ¹ | # of Lanes | Volume ¹ | Density | LOS ² | Total Volume | Mixed-Flow | | HOV Lane | | Significant Impact? |
| | | | | | | | | | | | | | | | Volume | % Capacity | Volume | % Capacity | |
| US 101 | Sheller Ave. to Lane Drop | NB | AM | 66 | 3 | 5,150 | 26.0 | D | 67 | 1 | 1,140 | 17.0 | B | 172 | 144 | 2.1 | 28 | 1.6 | No |
| | | | PM | 66 | 3 | 3,960 | 20.0 | C | 67 | 1 | 940 | 14.0 | B | 104 | 87 | 1.3 | 17 | 0.9 | No |
| | | SB | AM | 66 | 3 | 3,760 | 19.0 | C | 67 | 1 | 400 | 6.0 | A | 48 | 40 | 0.6 | 8 | 0.4 | No |
| | | | PM | 66 | 3 | 4,550 | 23.0 | C | 67 | 1 | 1,070 | 16.0 | B | 230 | 192 | 2.8 | 38 | 2.1 | No |
| US 101 | Lane Drop to SR 85 | NB | AM | 65 | 3 | 5,850 | 30.0 | D | 67 | 1 | 670 | 10.0 | A | 172 | 144 | 2.1 | 28 | 1.6 | No |
| | | | PM | 67 | 3 | 3,620 | 18.0 | C | 67 | 1 | 940 | 14.0 | B | 104 | 87 | 1.3 | 17 | 0.9 | No |
| | | SB | AM | 67 | 4 | 4,290 | 16.0 | B | 67 | 1 | 540 | 8.1 | A | 48 | 40 | 0.4 | 8 | 0.4 | No |
| | | | PM | 66 | 4 | 7,390 | 28.0 | C | 66 | 1 | 1,650 | 25.0 | C | 230 | 192 | 2.1 | 38 | 2.1 | No |
| US 101 | SR 85 to Bernal Rd. | NB | AM | 65 | 3 | 5,850 | 30.0 | D | 66 | 1 | 1,320 | 20.0 | C | 172 | 144 | 2.1 | 28 | 1.6 | No |
| | | | PM | 67 | 3 | 3,020 | 15.0 | B | 67 | 1 | 670 | 10.0 | A | 104 | 87 | 1.3 | 17 | 0.9 | No |
| | | SB | AM | 67 | 3 | 3,620 | 18.0 | C | 67 | 1 | 670 | 10.0 | A | 0 | 0 | 0.0 | 0 | 0.0 | No |
| | | | PM | 66 | 3 | 4,550 | 23.0 | C | 66 | 1 | 1,320 | 20.0 | C | 0 | 0 | 0.0 | 0 | 0.0 | No |
| US 101 | Bernal Rd. to Silver Creek Rd. | NB | AM | 32 | 3 | 5,950 | 62.0 | F | 67 | 1 | 1,070 | 16.0 | B | 75 | 63 | 0.9 | 12 | 0.7 | No |
| | | | PM | 67 | 3 | 3,420 | 17.0 | B | 67 | 1 | 470 | 7.0 | A | 356 | 298 | 4.3 | 58 | 3.2 | No |
| | | SB | AM | 67 | 3 | 2,810 | 14.0 | B | 67 | 1 | 800 | 11.9 | B | 274 | 229 | 3.3 | 45 | 2.5 | No |
| | | | PM | 66 | 3 | 3,760 | 19.0 | C | 66 | 1 | 1,780 | 27.0 | D | 149 | 125 | 1.8 | 24 | 1.4 | No |
| US 101 | Silver Creek Rd. to Hellyer Ave. | NB | AM | 23 | 3 | 5,240 | 75.9 | F | 63 | 1 | 2,140 | 34.0 | D | 66 | 55 | 0.8 | 11 | 0.6 | No |
| | | | PM | 66 | 3 | 5,150 | 26.0 | D | 67 | 1 | 600 | 9.0 | A | 307 | 257 | 3.7 | 50 | 2.8 | No |
| | | SB | AM | 66 | 3 | 4,360 | 22.0 | C | 67 | 1 | 340 | 5.1 | A | 243 | 203 | 2.9 | 40 | 2.2 | No |
| | | | PM | 65 | 3 | 5,850 | 30.0 | D | 67 | 1 | 740 | 11.0 | B | 121 | 101 | 1.5 | 20 | 1.1 | No |
| US 101 | Hellyer Ave. to Yerba Buena Rd. | NB | AM | 36 | 3 | 6,050 | 56.0 | E | 65 | 1 | 1,950 | 30.0 | D | 66 | 55 | 0.8 | 11 | 0.6 | No |
| | | | PM | 66 | 3 | 4,360 | 22.0 | C | 67 | 1 | 340 | 5.1 | A | 307 | 257 | 3.7 | 50 | 2.8 | No |
| | | SB | AM | 66 | 3 | 5,150 | 26.0 | D | 67 | 1 | 540 | 8.1 | A | 243 | 203 | 2.9 | 40 | 2.2 | No |
| | | | PM | 65 | 3 | 5,850 | 30.0 | D | 67 | 1 | 1,070 | 16.0 | B | 121 | 101 | 1.5 | 20 | 1.1 | No |
| SR 85 | Bernal Rd. to Cottle Rd. | NB | AM | 67 | 2 | 1,740 | 13.0 | B | 67 | 1 | 470 | 7.0 | A | 78 | 65 | 1.5 | 13 | 0.7 | No |
| | | | PM | 66 | 2 | 2,510 | 19.0 | C | 67 | 1 | 200 | 3.0 | A | 374 | 313 | 7.1 | 61 | 3.4 | No |
| | | SB | AM | 67 | 2 | 2,280 | 17.0 | B | 67 | 1 | 540 | 8.1 | A | 284 | 237 | 5.4 | 47 | 2.6 | No |
| | | | PM | 67 | 2 | 2,280 | 17.0 | B | 67 | 1 | 600 | 9.0 | A | 165 | 138 | 3.1 | 27 | 1.5 | No |

Table 11
Existing Freeway Levels of Service

| Freeway | Segment | Direction | Peak Hour | Mixed-Flow Lanes | | | | | HOV Lane Traffic Volume | | | | | Project Trips | | | | | Significant Impact? |
|---------|--------------------------------|-----------|-----------|-------------------------|------------|---------------------|---------|------------------|-------------------------|------------|---------------------|---------|------------------|---------------|------------|------------|----------|------------|---------------------|
| | | | | Ave. Speed ¹ | # of Lanes | Volume ¹ | Density | LOS ² | Ave. Speed ¹ | # of Lanes | Volume ¹ | Density | LOS ² | Total Volume | Mixed-Flow | | HOV Lane | | |
| | | | | | | | | | | | | | | | Volume | % Capacity | Volume | % Capacity | |
| SR 85 | Cottle Rd. to Blossom Hill Rd. | NB | AM | 66 | 2 | 3,040 | 23.0 | C | 67 | 1 | 1,010 | 15.1 | B | 78 | 65 | 1.5 | 13 | 0.7 | No |
| | | | PM | 65 | 2 | 3,900 | 30.0 | D | 67 | 1 | 340 | 5.1 | A | 374 | 313 | 7.1 | 61 | 3.4 | No |
| | | SB | AM | 64 | 2 | 4,220 | 33.0 | D | 67 | 1 | 270 | 4.0 | A | 284 | 237 | 5.4 | 47 | 2.6 | No |
| | | | PM | 65 | 2 | 3,900 | 30.0 | D | 67 | 1 | 870 | 13.0 | B | 165 | 138 | 3.1 | 27 | 1.5 | No |
| SR 85 | Blossom Hill Rd. to SR 87 | NB | AM | 64 | 2 | 4,100 | 32.0 | D | 67 | 1 | 1,140 | 17.0 | B | 78 | 65 | 1.5 | 13 | 0.7 | No |
| | | | PM | 66 | 2 | 3,700 | 28.0 | D | 67 | 1 | 340 | 5.1 | A | 374 | 313 | 7.1 | 61 | 3.4 | No |
| | | SB | AM | 66 | 2 | 3,430 | 26.0 | C | 67 | 1 | 940 | 14.0 | B | 384 | 237 | 5.4 | 47 | 2.6 | No |
| | | | PM | 50 | 2 | 4,400 | 44.0 | D | 67 | 1 | 870 | 13.0 | B | 165 | 138 | 3.1 | 27 | 1.5 | No |

Notes:

¹ Source: Santa Clara Valley Transportation Authority Congestion Management Program Monitoring Study, 2004.

² Freeway segment level of service is based on density (HCM 2000 Method).

Bold indicates an unacceptable level of service.

- # **The proposed project would not have a significant impact on transit facilities.
(Less Than Significant Impact)**

Construction Traffic Impacts

During construction of the project, building activities will generate traffic volumes in the form of construction workers and truck deliveries to supply materials. Some construction-generated vehicles would arrive at the site prior to the AM peak commute hour and depart prior to the evening commute peak hour. Truck deliveries are expected to be made at any time during normal construction hours, but are more likely to occur during the earlier part of the day.

The construction employees could generate approximately 50 trips during either peak hour.¹⁷ This generation rate will vary over the course of the year as activities change with the weather and construction schedules.

Trucks are generally expected to access the site from the north since heavy trucks are not permitted on SR 85. The highest number of truck trips anticipated during either peak hour is estimated to be five on a given day, and that number could vary at certain times depending on construction activities.¹⁸

Overall, construction is expected to typically result in fewer than 60 peak hour trips. This is substantially less traffic than the project itself will generate, and will be temporary. With development of the project and implementation of mitigation measures, capacity enhancements will occur while construction is on-going. These improvements will lessen the impact of construction traffic. Thus, for these reasons, temporary construction traffic would not result in significant impacts.

- # **The project would not result in significant construction-related traffic impacts.
(Less Than Significant Impact)**

3. Mitigation and Avoidance Measures

General Plan Policies

Conformance by any future development on the project site with the following General Plan Policies would reduce traffic and circulation impacts from the proposed land use and transportation network revision:

- *Services and Facilities Level of Service Policy 5* requires that the minimum overall performance of City streets during peak travel periods be level of service “D”. To meet that goal, the policy states that development proposals should be reviewed for their measurable impacts on the level of service and should be required to provide appropriate mitigation measures if they have the potential to reduce the level of service to “D” or worse.

¹⁷ Igoe, John. “Re: iStar’s construction generated traffic trips.” E-mail to David J. Powers and Associates, Inc. from Sares Regis. 29 June 2005.

¹⁸ Igoe, John. “Re: iStar’s construction generated traffic trips.” E-mail to David J. Powers and Associates, Inc. from Sares Regis. 29 June 2005.

- *Transportation Policy 1 (Thoroughfares)* states that inter-neighborhood movement of people and goods should occur on thoroughfares and is discouraged on neighborhood streets.
- *Transportation Policy 3 (Thoroughfares)* states that public street right-of-way dedication and improvements should be required as development occurs. Ultimate thoroughfare right-of-way should be no less than the dimensions as shown on the Land Use/Transportation Diagram except when a lesser right-of-way would avoid significant social, neighborhood or environmental impacts and perform the same traffic movement function.
- *Transportation Policy 8 (Thoroughfares)* states that vehicular, bicycle, and pedestrian safety should be an important factor in the design of streets and roadways.
- *Transportation Policy 9 (Impacts on Local Neighborhoods)* states that neighborhood streets should be designed to discourage through traffic and unsafe speeds. If neighborhood streets are used for through traffic or if they are traveled at unsafe speeds, law enforcement and traffic operations techniques should be employed to mitigate these conditions.
- *Transportation Policy 11 (Transit Facilities)* states that the City should cooperate with transportation agencies to achieve the following objectives for the County's public transit system:
 - Provide all segments of the City's population, including the handicapped, elderly, youth and economically disadvantaged, with adequate access to public transit. Public transit should be designed to be an attractive, convenient, dependable and safe alternative to the automobile.
 - Enhance transit service in major commute corridors, and provide convenient transfers between public transit systems and other modes of travel.
- *Transportation Policy 16 (Pedestrian Facilities)* states that pedestrian travel should be encouraged as a viable mode of movement between high density residential and commercial areas throughout the City and in activity areas such as schools, parks, transit stations, and in urban areas, particularly the Downtown Core Area and neighborhood business districts by providing safe and convenient pedestrian facilities.

Specific Development Mitigation Measures Proposed By the Project

The project proposes the following mitigation measures to reduce transportation impacts to a less than significant level:

Intersection Level of Service

- US 101 and Blossom Hill Road (W). The level of service impact could be mitigated by requiring the project to make a fair-share contribution toward the EADP improvements to the satisfaction of the Director of Public Works, including adding a

third right-turn lane to the southbound US 101 off-ramp. The EADP improvements include adding a third eastbound through lane and adding a third westbound through lane. These improvements would require widening the Blossom Hill overpass and restriping. This currently unfunded mitigation measure would improve the intersection level of service from LOS F to LOS D.

- Monterey Highway and Blossom Hill Road (S). The level of service impact will be mitigated by adding a second westbound right-turn lane. This improvement would require coordination with Caltrans and would involve widening and modifying the east leg of the intersection, as well as traffic signal modifications (refer to Figure 15). These improvements would improve the intersection level of service from LOS E to LOS C. The proposed improvements will mitigate the project impact.
- San Ignacio Avenue and Great Oaks Boulevard. The level of service impact will be mitigated by converting the southbound shared through/right-turn lanes into separate through and right-turn lanes, and constructing dual northbound left-turn lanes. These improvements would require widening the north leg of the intersection, possible right-of-way acquisition, realigning the intersection, and modifying the existing traffic signal (refer to Figure 16). These mitigation measures would improve the intersection level of service from LOS F to LOS E with an average delay that is better than that calculated under background conditions. The proposed improvements will mitigate the project impact.
- San Ignacio Avenue and Bernal Road. The level of service impact will be mitigated by extending and widening the southbound left-turn lanes and interconnecting the traffic signal with the other traffic signals located along Bernal Road. These improvements will require some median island reconstruction and traffic signal modifications (refer to Figure 17). These improvements would improve the intersection level of service from LOS E to LOS D. The proposed improvements would mitigate the project impact.
- The project shall include a Transportation Demand Management (TDM) program to minimize overall vehicle trip generation. The specific mix of TDM measures to be implemented shall be determined at the Planned Development Permit stage, to the satisfaction of the Director of Planning, but may include:
 - Bike racks
 - Showers
 - Van/carpool parking
 - Ride share matching program
 - Parking slots allocated for motorcycles
 - Site design of pedestrian pathways to provide access to the Santa Teresa Light Rail Station

Pedestrian Facilities

- The project will provide and construct sidewalks on Via del Oro north of the SR 85 overpass.

Phasing Plan for Required Project Improvements

As a result of the project analysis, public improvements are required. Table 12 below (phasing plan) contains a detailed description of the required improvements the proposed project will be responsible for based on three phases of development.

| Table 12 Required Public Improvements for the Proposed Project | | | | |
|---|---|---|---|---|
| Location | Project Phases (Cumulative) | | | Description |
| | Phase 1 – 225,000 sf of retail | Phase 2 – 450,000 sf of retail | Phase 3 – 450,000 sf of retail and one million sf of R&D | |
| With 2-lane Great Oaks Boulevard connection to Cottle Road available | | | | |
| 2-lane Great Oaks Blvd. | X | | | Project frontage improvements and 90 feet ROW dedication required for future 4-lane Great Oaks Blvd. |
| 4-lane Great Oaks Blvd. | | | X | Complete buildout of 4 lane Great Oaks Blvd. from the Manassas to Great Oaks off ramp. This will require 90 feet ROW dedication and land acquisitions. |
| 2-lane Manassas Rd. | X | | | 20 feet ROW dedication required along the project frontage. |
| Monterey Highway/ Blossom Hill Rd. (S) | X | | | Add a second westbound right turn lane. This improvement will require modification to the signs and widening the east leg of the intersection. |
| US 101/ Blossom Hill Rd. (W) | EADP | | | Add third right-turn lane to the southbound US 101 off ramp. This is additional improvement to the original EADP improvement plans. Fair share contribution toward EADP improvements is required. |
| San Ignacio Ave. /Great Oaks Blvd. | X | | | Convert southbound shared through/right-turn lane into separate through and right-turn lanes and constructing dual northbound left turns. |
| San Ignacio Ave. /Bernal Rd. | X | | | Increase the cycle length to 114 seconds with signal interconnect, and extending the southbound left-turn pocket on San Ignacio. |

| Table 12 Required Public Improvements for the Proposed Project | | | | |
|---|---|---|---|--|
| Location | Project Phases (Cumulative) | | | Description |
| | Phase 1 – 225,000 sf of retail | Phase 2 – 450,000 sf of retail | Phase 3 – 450,000 sf of retail and one million sf of R&D | |
| Via del Oro | X | | | Dedicate Via del Oro as a public street ad upgrade to City of San José standards. |
| Without Great Oaks connection to Cottle Road | | | | |
| 2-lane Great Oaks Blvd. | X | | | Project frontage improvements and 90 feet ROW dedication required for future 4 lane Great Oaks Blvd. |
| 4-lane Great Oaks Blvd. | | X | | Complete buildout of 4-lane Great Oaks Blvd. from Manassas to Great Oaks off ramp. This will require 90 feet ROW dedication and land acquisitions. |
| 2-lane Manassas Rd. | X | | | 20 feet ROW dedication required along the project frontage. |
| Monterey Highway/ Blossom Hill Rd. (S) | X | | | Add a second westbound right-turn lane. This improvement will require modification to the signal and widening the east leg of the intersection. |
| San Ignacio Ave./ Great Oaks Blvd. | X | | | Convert south bound shared through/right-turn lane into separate through and right turn lanes and construction dual northbound left turns. |
| San Ignacio Ave./ Bernal Rd. | X | | | Increase the cycle length to 114 seconds with signal interconnect, and extending the southbound left-turn pocket. |
| Via del Oro | X | | | Dedicate Via del Oro as a public street and upgrade to City of San José standards. |

4. Conclusion

The proposed project, with the implementation of the above mitigation measures, would not result in significant transportation impacts. **(Less Than Significant Impact with Mitigation Incorporated)**

Figure 15 Monterey Highway and Blossom Hill Road (S) Mitigation Measure (Conceptual Only)

Figure 16 San Ignacio Avenue and Great Oaks Boulevard Mitigation Measure (Conceptual Only)

Figure 17 San Ignacio Avenue and Bernal Road Mitigation Measure (Conceptual Only)

C. NOISE

1. Setting

Background Information

Several factors influence sound as it is perceived by the human ear, including the actual level of sound, the period of exposure to the sound, the frequencies involved, and fluctuation in the noise level during exposure. Noise is measured on a “decibel” scale which serves as an index of loudness. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the “A-weighted” decibel or dBA. Further, sound is averaged over time and penalties are added to the average for noise that is generated during times that may be more disturbing to sensitive uses such as early morning, or late evening.

Since excessive noise levels can adversely affect human activities (such as conversation and sleeping) and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. The noise guidelines are almost always expressed using one of several noise averaging methods, such as L_{eq} , L_{dn} , or CNEL.¹⁹ Using one of these descriptors is a way for a location’s overall noise exposure to be measured, realizing of course that there are specific moments when noise levels are higher (e.g., when a jet is taking off from Norman Y. Mineta San José International Airport (SJIA) or when a leaf blower is operating) and specific moments when noise levels are lower (e.g., during lulls in traffic flows on SR 85 or in the middle of the night). For this report, the L_{dn} will be used as it is consistent with the guidelines for the City of San José and the State of California.

Applicable Noise Standards and Policies

Noise impact assessments for projects within the City of San José are evaluated under the San José General Plan Noise Guidelines. The goal of the General Plan Guidelines is to “minimize the impact of noise on people through noise reduction and suppression techniques, and through appropriate land use policies.” Using L_{dn} levels as the standard, the Noise Guidelines identify ranges of noise levels deemed compatible with land uses within the City. The noise guidelines for residential areas and public parks, for example, are more restrictive than for industrial areas.

The General Plan Noise Guidelines are derived from federal and state legislation and recommendations. The City’s General Plan identifies the Environmental Protection Agency’s (EPA’s) standard of 55 L_{dn} for a desirable maximum outdoor noise level as a long-range goal. However, noise studies have shown that a short-range goal of 60 L_{dn} is more realistic for most of the City, given existing noise levels. The General Plan also acknowledges that for areas along major roadways, the short-range goal of 55 L_{dn} and even the long-range goal of 60 L_{dn} may be unobtainable in the foreseeable future. The General Plan noise guideline of 45 L_{dn} for indoor noise is patterned after the state standard and applies

¹⁹ L_{eq} stands for the Noise Equivalent Level and is a measurement of the average energy level intensity of noise over a given period of time such as the noisiest hour. L_{dn} stands for Day-Night Level and is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 PM and 7:00 AM. CNEL stands for Community Noise Equivalent Level; it is similar to the L_{dn} except that there is an additional five dB penalty applied to noise which occurs between 7:00 PM and 10:00 PM. As a general rule of thumb where traffic noise predominates, the CNEL and L_{dn} are typically within two dBA of the peak-hour L_{eq} .

to interior noise levels when windows are closed. Closed windows typically reduce L_{dn} by 20 to 25 decibels (dB), assuming standard construction.

General Plan Noise Guidelines address means of reducing noise generation in the future and mitigating noise impacts on residential and other sensitive land uses. The General Plan Noise Guidelines also outline procedures to be followed when new development is proposed in areas of the City where noise levels exceed the “satisfactory” guidelines.

An exterior limit of 70 dBA L_{dn} is considered acceptable for industrial uses, and an exterior level of 60 dBA L_{dn} is considered acceptable for commercial land uses (including office), parks, and playgrounds. Certain public/quasi-public uses, including hospitals, schools, and libraries, are identified as being particularly noise sensitive, warranting interior levels no greater than 45 dBA L_{dn} .

Existing Noise Conditions

The project site is bounded by SR 82, the Union Pacific Railroad, and Great Oaks Boulevard to the north, Tuscon Way to the east, SR 85 to the south, and Manassas Road to the west. Vehicular and railroad noise are the predominant noise sources that affect the project site and surrounding areas. The existing L_{dn} along the boundary with the Union Pacific Railroad/Monterey Highway corridor is as high as 71 dBA. Adjacent to SR 85, the L_{dn} is as high as 77 dBA.²⁰

Industrial uses are located to the east, south, and west of the site. Noise sensitive receptors in the project area include residences located approximately 320 feet to the north of the project site, north of Monterey Highway, and approximately 855 feet to the southwest of the project site, south of SR 85. The recently approved Hitachi Campus and Mixed-Use Transit Village Project (GP04-02-01 and PDC04-031) allows for a mix of industrial, commercial, and residential uses on the site. The land directly adjacent to the project site is designated for industrial uses only. The nearest approved residential uses on the Hitachi campus would be approximately 800 feet to the southwest of the project site.

2. Noise Impacts

Thresholds of Significance

For the purpose of this EIR, a noise impact is considered significant if the project would result in:

- Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
- Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels;
- A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project;
- A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project;

²⁰ Illingworth & Rodkin. Noise Analysis for the Hitachi Campus GPA and PD Zoning Project. August 2004.

- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, exposure of people residing or working in the project area to excessive noise levels; or
- For a project located within the vicinity of a private airstrip exposure to people residing or working in the project area to excessive noise levels.

While CEQA does not specifically define what amount of noise level increase is considered significant, generally, in high noise environments, a project is considered by the City to have a significant impact if the project would: 1) substantially and permanently increase existing noise levels by more than three (3) dBA Ldn (three decibels is the minimum increase generally perceptible by the human ear); or 2) would cause ambient noise levels to exceed the guidelines established in the General Plan.

Impacts of the General Plan Amendment and Specific Development Project

The project site is currently entitled to develop up to approximately 1.5 million square feet of industrial office/R&D uses. The project proposes to change the land use designation on the site and to develop a mix of industrial R&D/office and commercial/retail uses. Any future development, whether under the current land use designation or under the proposed land use designation would generate new noise sources, including traffic generated by the development, on-site activity, mechanical equipment associated with the buildings, and construction noise. The discussion below distinguishes between noise impacts upon the project from its surroundings and noise impacts to the surrounding areas from the proposed development.

Noise Impacts from the Proposed Project

Project-Generated Traffic Noise Impacts

As mentioned previously, the proposed project would allow for the development of up to one million square feet of industrial office/R&D uses and up to 450,000 square feet of commercial/retail uses. Development of the proposed project or any future development, under the proposed land use designation, would result in increased traffic on the street network. As mentioned above, an increase of three or more dBA at noise-sensitive receptors would be considered a significant impact. Generally, for traffic noise to increase significantly, existing traffic volumes must double.

As described in *Section II.B. Transportation*, the proposed project would generate a net increase of approximately 29,352 new daily traffic trips. While the proposed project would increase traffic volumes on the overall roadway network and in the site vicinity, existing traffic volumes would not double on any roadway in the vicinity, as a result of project-generated traffic (refer to Appendix D for specific roadway traffic volumes). For this reason, the noise increase from project-generated traffic is not considered significant.

Development of the existing entitlements (approximately 1.5 million square feet of industrial land uses), however, would result in less traffic generated noise compared to the proposed project since the amount of project generated trips would be less.

- # **Traffic volumes on local roadways would not double as a result of project generated traffic, therefore, the project-generated traffic would not result in a significant noise increase. (Less Than Significant Impact)**

Short-Term Construction Impacts

Demolition and dismantling of existing buildings and construction of the new buildings would substantially increase noise levels in the area. Industrial land uses (i.e., the Hitachi campus and Equinix site) are immediately adjacent to the project site to the west and east and are not considered noise sensitive receptors. As mentioned previously, the nearest noise sensitive receptors are residences located across SR 82 and SR 85, approximately 300 feet from the developable land on the project site. The nearest approved residential development on the Hitachi site is located approximately 800 feet to the southwest of the project site.

Noise levels during construction would occur in phases during grading, construction of foundations, erection of new buildings, paving, and finishing. The noisiest of these phases is grading and below grade work when heavy machinery would be in use and when pile driving (if necessary) would occur. Typical noise levels from these activities range from 80 to 105 dBA at a distance of 50 feet. Conventional diesel-powered pile drivers, without noise mitigation, generate maximum instantaneous noise levels of 105 dBA at a distance of 50 feet from the driver. This noise level is achieved every time the hammer strikes a pile. The noise decreases at a rate of approximately six (6) dBA per every doubling of distance. The noise levels at the adjacent sensitive receptors, therefore, would vary and would be dependent on the distance from the driver.

Most noise-generating demolition and construction activities would occur at locations that are 300 feet from the nearest noise sensitive receptors. The nearest sensitive receptors, however, are located on the other side of SR 82, across a six-lane highway, and SR 85, across a six-lane freeway. Therefore, it is expected that the construction noise levels would be at or below the noise level generated by existing traffic on SR 82 or SR 85.

The approved Hitachi project would construct sensitive receptors approximately 800 feet from the project site. Construction-generated noise from the project could be approximately 80 dBA at these sensitive receptors. This would result in a significant temporary noise impact.

Development under the existing entitlements would result in similar construction-related noise impacts as the proposed project.

- **The proposed project would result in short-term increase in noise levels in the project area, especially during grading, below grade work, and pile driving. (Significant Impact)**

Operational Noise Impacts

Operation of future industrial and commercial uses on the site could introduce new noise sources, such as heating and ventilation systems, loading docks, outdoor equipment, or power generators, which could increase noise levels at the site.

The proposed industrial and commercial development would be separated by SR 82 (Monterey Highway and railroad tracks) and SR 85 from the nearest sensitive receptors. Noise generated by parking lot sweeping, parking lot activity, mechanical equipment, deliveries, etc., would be much less than the noise generated by traffic on these roadways and would generally not be detectable at existing residential areas located across SR 82 and SR 85. The closest sensitive receptors on the adjacent Hitachi site would be located approximately 800 feet from the project site and are not anticipated to be impacted from operational noise on the project site.

The General Plan guidelines identify satisfactory noise levels of up to 70 L_{dn} for industrial uses. Operation of the proposed project may expose adjacent industrial uses to noise levels above 70 L_{dn} . Due to the distance between the project site and sensitive land uses, it is unlikely that the operational noise from the proposed project would have a significant noise impact on residences.

Development under the existing entitlements would result in similar operational noise impacts as the proposed project.

- # **Future development on the site could subject adjacent industrial uses to noise levels above 70 L_{dn} . (Significant Impact)**

Noise Impacts to the Proposed Project

Ambient Noise Levels

The existing L_{dn} on the site is as high as 71 dBA along the boundary with the Union Pacific Railroad/Monterey Highway corridor. Adjacent to SR 85, the L_{dn} is as high as 77 dBA. The General Plan guidelines identify satisfactory noise levels up to 70 L_{dn} for industrial and up to 60 L_{dn} for commercial uses. The site is exposed to noise levels above the satisfactory noise levels for the proposed industrial and commercial uses.

Development under the existing entitlements would be subject to the same noise levels and standards as the proposed project.

- **Future commercial and industrial development could be subject to noise levels in excess of the City's guidelines. (Significant Impact)**

3. Mitigation and Avoidance Measures

General Plan Policies

- *Noise Policy 1* states that the City's acceptable noise level objectives are 55 L_{dn} as the long-range exterior noise quality level, 60 L_{dn} as the short-range exterior noise quality level, 45 L_{dn} as the interior noise quality level, and 76 L_{dn} as the maximum exterior noise level necessary to avoid significant adverse health effects.
- *Noise Policy 2* states that the City should include appropriate noise attenuation techniques in the design of all new arterial streets.

- *Noise Policy 8* states that the City should discourage the use of outdoor appliances, air conditioners, and other consumer products which generate noise levels in excess of the City's exterior noise level guidelines.
- *Noise Policy 9* states that construction operations should use available noise suppression devices and techniques.
- *Noise Policy 10* states that commercial drive-through uses should only be allowed when consistency with the City's exterior noise level guidelines and compatibility with adjacent land uses can be demonstrated.
- *Noise Policy 11* states that when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses, non-residential land uses should mitigate noise generation to meet the 55 L_{dn} guideline at the property line.
- *Urban Design Policy 18* states that to the extent feasible, sound attenuation for development along City streets should be accomplished through the use of landscaping, setback, and building design rather than the use of sound attenuation walls. Where sound attenuation walls are necessary, landscaping and an aesthetically pleasing design shall be used to minimize visual impact.
- *Urban Design Policy 21* states to promote safety and to minimize noise impact to residential and working environments, development which is proposed adjacent to railroad lines should be designed to provide the maximum separation between the rail line and dwelling units, yards or common open space areas, offices and other job locations, facilities for the storage of toxic or explosive materials and the like. To the extent possible, areas of development closest to an adjacent railroad line should be devoted to parking lots, public streets, peripheral landscaping, the storage of non-hazardous materials and so forth. In industrial facilities, where the primary function is the production, processing or storage of hazardous materials, development should follow the setback guidelines and other productive measures called for in the City's Industrial Design Guidelines when such facilities are to be located adjacent to or near a main railroad line.

Specific Development Mitigation Measures Proposed By the Project

Construction-Related Impacts

The project proposes the following mitigation measures to further reduce less than significant short-term construction-related noise impacts to nearby land uses:

- For construction activity within 500 feet of residential uses, limit all construction-related activities on weekdays between 7:00 AM and 7:00 PM, Monday through Friday. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan, and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- Prohibit and post signs prohibiting unnecessary idling of internal combustion engines.

- Locate all stationary noise-generating equipment, such as air compressors and portable generators, as far as practicable from noise-sensitive land uses.
- Designate a “noise disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.
- Equip all internal combustion engine-driven equipment with mufflers which are in good condition and appropriate for the equipment.
- Utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
- If pile driving is required, implement site-specific noise and vibration attenuation measures under the supervision of a qualified acoustical consultant such as the following measures:
 - Multiple pile drivers shall be considered to expedite this phase of project construction. Although noise levels generated by multiple pile drivers would be higher than the noise generated by a single pile driver, the total duration of pile driving activities would be reduced.
 - Temporary noise control blanket barriers shall shroud pile drivers. Such noise control blanket barriers can be rented and quickly erected.
 - Pre-drill foundation pile holes. Pre-drilling reduces the number of blows required to seat the pile. The associated noise reduction would be based on the soil conditions of the site.

Operational Noise Impacts

The project proposes the following mitigation measures to reduce operational noise impacts to a less than significant level:

- Install standard gaskets around the large truck loading dock openings to control noise at loading docks.
- Control noise from building mechanical systems, through acoustical louvers or baffles in air transmission paths, parapet walls, rooftop screen walls and sound attenuators, so that it does not exceed 70 L_{dn} at the adjacent industrial boundary.
- Noise control measures included in the building mechanical systems shall be reviewed and measurements shall be made during the design phase by a qualified acoustical specialist to verify that noise impacts have been mitigated. The acoustical specialist shall prepare a report for submittal to the City demonstrating that necessary treatments have been included in the design prior to issuance of a Planned Development permit.

- Operation noise from the proposed project shall be required to conform to the noise performance standards identified in Tables 20-105 and 20-135 of the Zoning Ordinance (refer to Table 13).

| Table 13 | |
|---|---|
| Noise Performance Standards in City Zoning Ordinance | |
| | Maximum Noise Level in Decibels at Property Line |
| <i>Table 20-105 in Zoning Ordinance</i> | |
| Commercial use adjacent to a property used or zoned for residential purposes | 55 |
| Commercial use adjacent to a property used or zoned for commercial or other non-residential purposes | 60 |
| <i>Table 20-135 in Zoning Ordinance</i> | |
| Industrial use adjacent to a property used or zoned for residential purposes | 55 |
| Industrial use adjacent to a property used or zoned for commercial purposes | 60 |
| Industrial use adjacent to a property used or zoned for industrial or use other than commercial or residential purposes | 70 |
| <i>Source: City of San José. City of San José Zoning Ordinance. 27 July 2005.</i> | |

Ambient Noise Levels at the Site

Implementation of the following mitigation measures will reduce impacts from ambient noise to a less than significant level:

- Detailed, design-level noise analyses shall be completed for all proposed development at the Planned Development Permit stage demonstrating that the design would achieve an interior L_{dn} of 45 dBA or less, in accordance with the Environmental Protection Agency and the City's General Plan Noise Policy 1.
- Outdoor activity areas along the Monterey Highway and SR 85 frontages shall be shielded and located on the sides of buildings facing away from these thoroughfares and the buildings themselves shall be set back as far as possible from these sources. Outdoor noise exposures in these areas shall not exceed 70 dBA for industrial uses and 60 dBA for commercial uses at the property line, and 60 dB L_{dn} for active outdoor areas on the site.

4. Conclusion

The proposed project, in compliance with the City's Noise Ordinance, General Plan policies and mitigation measures described above, would not result in significant noise impacts.

(Less than Significant Impact with Mitigation Incorporated)

D. AIR QUALITY

1. Setting

Air Pollution Climatology

The amount of a given pollutant in the atmosphere is determined by the amount of pollutant released and the atmosphere's ability to transport and dilute the pollutant. The major determinants of transport and dilution are wind, atmospheric stability, terrain and, for photochemical pollutants, sunshine.

Northwest winds and northerly winds are most common in the project area, reflecting the orientation of the Bay and the San Francisco Peninsula. Winds from these directions carry pollutants released by autos and factories from upwind areas of the Peninsula toward San Jose, particularly during the summer months. Winds are lightest on the average in fall and winter. Every year in fall and winter there are periods of several days when winds are very light and local pollutants can build up.

Pollutants can be diluted by mixing in the atmosphere both vertically and horizontally. Vertical mixing and dilution of pollutants are often suppressed by inversion conditions, when a warm layer of air traps cooler air close to the surface. During the summer, inversions are generally elevated above ground level, but are present over 90 percent of the time in both the morning and afternoon. In winter, surface based inversions dominate in the morning hours, but frequently dissipate by afternoon.

Topography can restrict horizontal dilution and mixing of pollutants by creating a barrier to air movement. The South Bay has significant terrain features that affect air quality. The Santa Cruz Mountains and Hayward Hills on either side of the South Bay restrict horizontal dilution, and this alignment of the terrain also channels winds from the north to south, carrying pollution from the northern Peninsula toward San Jose.

The combined effects of moderate ventilation, frequent inversions that restrict vertical dilution and terrain that restrict horizontal dilution give San Jose a relatively high atmospheric potential for pollution compared to other parts of the San Francisco Bay Air Basin and provide a high potential for transport of pollutants to the east and south.

Ambient Air Quality Standards

Criteria Pollutants

Both the U.S. Environmental Protection Agency (USEPA) and the California Air Resources Board have established air quality standards for common pollutants. These ambient air quality standards are levels of contaminants which represent safe levels that avoid specific adverse health effects associated with each pollutant. The ambient air quality standards cover what are called "criteria" pollutants because the health and other effects of each pollutant are described in criteria documents. Table 14 identifies the major criteria pollutants, characteristics, health effects and typical sources. The federal and state ambient air quality standards are summarized in Table 15.

Table 14
Major Criteria Pollutants

| Pollutant | Characteristics | Health Effects | Major Sources |
|--------------------|---|---|---|
| Ozone | A highly reactive photochemical pollutant created by the action of sunshine on ozone precursors, primarily reactive hydrocarbons and oxides of nitrogen. Often called photochemical smog. | <ul style="list-style-type: none"> • Eye irritation. • Respiratory function impairment. | The major sources ozone precursors are combustion sources such as factories and automobiles, and evaporation of solvents and fuels. |
| Carbon Monoxide | Carbon monoxide is an odorless, colorless gas that is highly toxic. It is formed by the incomplete combustion of fuels. | <ul style="list-style-type: none"> • Impairment of oxygen transport in the bloodstream. • Aggravation of cardiovascular disease. • Fatigue, headache, confusion, dizziness. • Can be fatal in the case of very high concentrations. | Automobile exhaust, combustion of fuels, combustion of wood in woodstoves and fireplaces. |
| Nitrogen Dioxide | Reddish-brown gas that discolors the air, formed during combustion. | <ul style="list-style-type: none"> • Increased risk of acute and chronic respiratory disease. | Automobile and diesel truck exhaust, industrial processes, fossil-fueled power plants. |
| Sulfur Dioxide | Sulfur dioxide is a colorless gas with a pungent, irritating odor. | <ul style="list-style-type: none"> • Aggravation of chronic obstruction lung disease. • Increased risk of acute and chronic respiratory disease. | Diesel vehicle exhaust, oil-powered power plants, industrial processes. |
| Particulate Matter | Solid and liquid particles of dust, soot, aerosols and other matter which are small enough to remain suspended in the air for a long period of time. | <ul style="list-style-type: none"> • Aggravation of chronic disease and heart/lung disease symptoms. | Combustion, automobiles, field burning, factories and unpaved roads. Also a result of photochemical processes. |

| Table 15 Federal and State Ambient Air Quality Standards | | | |
|--|-----------------------|----------------------------------|------------------------|
| Pollutant | Averaging Time | Federal Primary Standard* | State Standard* |
| Ozone | 1-Hour | 0.12 PPM | 0.09 PPM |
| | 8-Hour | 0.08 PPM | -- |
| Carbon Monoxide | 1-Hour | 35.0 PPM | 20.0 PPM |
| | 8-Hour | 9.0 PPM | 9.0 PPM |
| Nitrogen Dioxide | Annual Average | 0.05 PPM | -- |
| | 1-Hour | -- | 0.25 PPM |
| Sulfur Dioxide | Annual Average | 0.03 PPM | -- |
| | 24-Hour | 0.14 PPM | 0.04 PPM |
| PM ₁₀ | 1-Hour | -- | 0.25 PPM |
| | Annual Average | 50 µg/m ³ | 20 µg/m ³ |
| PM _{2.5} | 24-Hour | 150 µg/m ³ | 50 µg/m ³ |
| | Annual | 15 µg/m ³ | 12 µg/m ³ |
| PM _{2.5} | 24-Hour | 65 µg/m ³ | -- |
| | Calendar Quarter | 1.5 µg/m ³ | -- |
| Lead | 30 Day Average | -- | 1.5 µg/m ³ |
| | 24-Hour | 25 µg/m ³ | -- |
| Sulfates | 24-Hour | 25 µg/m ³ | -- |
| Hydrogen Sulfide | 1-Hour | 0.03 PPM | -- |
| Vinyl Chloride | 24-Hour | 0.01 PPM | -- |
| <i>Note: * PPM = Parts per Million; µg/m³ = Micrograms per Cubic Meter.</i> | | | |

The federal and state ambient standards were developed independently with differing purposes and methods, although both processes attempted to avoid health-related effects. As a result, the federal and state standards differ in some cases. In general, the California state standards are more stringent. This is particularly true for ozone and particulate matter (PM₁₀ and PM_{2.5}).

Suspended particulate matter (PM) is a complex mixture of tiny particles that consists of dry solid fragments, solid cores with liquid coatings, and small droplets of liquid. These particles vary greatly in shape, size and chemical composition, and can be made up of many different materials such as metals, soot, soil, and dust. "Inhalable" PM consists of particles less than 10 microns in diameter, and is defined as "suspended particulate matter" or PM₁₀. Fine particles are less than 2.5 microns in diameter (PM_{2.5}). PM_{2.5}, by definition, is included in PM₁₀.

In 1997 new national standards for fine Particulate Matter (diameter 2.5 microns or less) were adopted for 24-hour and annual averaging periods. The current PM₁₀ standards were to be retained, but the method and form for determining compliance with the standards were revised.

The State of California regularly reviews scientific literature regarding the health effects and exposure to PM and other pollutants. On May 3, 2002, the California Air Resources Board staff recommended lowering the level of the annual standard for PM₁₀ and establishing a new annual standard for PM_{2.5} (particulate matter 2.5 micrometers in diameter and smaller). The new standards became effective on July 5, 2003.

Toxic Air Contaminants

In addition to the criteria discussed above, Toxic Air Contaminants (TACs) are another group of pollutants of concern. There are many different types of TACs, with varying degrees of toxicity. Sources of TACs include industrial processes such as petroleum refining and chrome plating operations, commercial operations such as gasoline stations and dry cleaners, and motor vehicle exhaust. Cars and trucks release at least forty different toxic air contaminants. The most important, in terms of health risk, are diesel particulates, benzene, formaldehyde, 1,3-butadiene and acetaldehyde.

Public exposure to TACs can result from emissions from normal industrial operations, as well as accidental releases. Health effects of TACs include cancer, birth defects, neurological damage and death.

Ambient Air Quality

Criteria Air Pollutants

The Bay Area Air Quality Management District (BAAQMD) monitors air quality at several locations within the San Francisco Bay Air Basin. The closest multi-pollutant monitoring site to the project site is located in downtown San José on Fourth Street. Table 15 summarizes exceedances of state and federal standards at this monitoring site during the period 2000-2002. Table 16 shows that ozone and PM₁₀ exceed the state standards in the South Bay. Violations of the carbon monoxide standards had been recorded at the downtown San José site prior to 1992.

Of the three pollutants known to at times exceed the state and federal standards in the project area, two are regional pollutants. Both ozone and particulate matter (PM₁₀ and PM_{2.5}) are considered regional pollutants in that concentrations are not determined by proximity to individual sources, but show a relative uniformity over a region. Thus, the data shown in Table 16 for ozone and PM₁₀ provide a good characterization of levels of these pollutants on the project site.

Carbon monoxide is a local pollutant, i.e., high concentrations are normally only found very near sources. The major source of carbon monoxide is automobile traffic. Elevated concentrations, therefore, are usually only found near areas of high traffic volumes.

| Table 16 Summary of Air Quality Data For San José Fourth Street/ Central Monitoring Station* | | | | |
|---|----------------------|-----------------------------|------|------|
| Pollutant | Standard | Days Exceeding Standard in: | | |
| | | 2002 | 2003 | 2004 |
| Ozone | State 1-Hour | 0 | 4 | 0 |
| Ozone | Federal 1-Hour | 0 | 0 | 0 |
| Ozone | Federal 8-Hour | 0 | 0 | 0 |
| Carbon Monoxide | State/Federal 8-Hour | 0 | 0 | 0 |
| Nitrogen Dioxide | State 1 Hour | 0 | 0 | 0 |
| PM ₁₀ | State 24-Hour | 2 | 3 | 0 |
| PM ₁₀ | Federal 24-Hour | 0 | 0 | 0 |
| PM _{2.5} | Federal 24-Hour | --- | 0 | 0 |
| Notes: * The San José Fourth Street station was closed for relocation on April 30, 2002. It reopened as San José Central on October 5, 2002, therefore, ozone statistics for San José Central in 2002 have been omitted. † The San José Fourth Street station did not monitor for PM _{2.5} . Source: California Air Resources Board, Aerometric Data Analysis and Management System, www.arb.ca.gov/adam/cgi-bin/adamtop/d2wstart . 2005. | | | | |

Toxic Air Contaminants

The TAC monitoring network operated by the BAAQMD includes gaseous samples collected over 24 hour periods on a 12 day sampling frequency. The network began in 1986 with six sites, and has gradually been expanded to its present size of 20 sites. The analytical protocol includes the following 12 gaseous compounds: benzene, carbon tetrachloride, chloroform, ethylene dibromide, ethylene dichloride, methyl tert butyl ether (MTBE), methylene chloride, perchloroethylene, toluene, trichloroethane, trichloroethylene, and vinyl chloride. Year 2001 data from the San José monitoring site are shown in Table 17.

| Table 17 Summary of 2001 Ambient Air Toxics Monitoring Data For San José Site | | | | | |
|--|---------------|--------------------------|---------------------------|---------------------------|------------------------|
| Compound | LOD* (ppb) | % of Samples < LOD | Maximum Conc. (ppb) | Minimum Conc. (ppb) | Mean Conc. (ppb) |
| Benzene | 0.10 | 0 | 2.50 | 0.20 | 0.68 |
| Chloroform | 0.02 | 94 | 0.08 | <0.02 | 0.02 |
| Carbon Tetrachloride | 0.01 | 0 | 0.11 | 0.09 | 0.10 |
| Ethylene Dibromide | 0.02 | 100 | <0.02 | <0.02 | <0.02 |
| Ethylene Dichloride | 0.10 | 100 | <0.10 | <0.10 | <0.10 |
| Methyl Tert Butyl Ether | 0.50 | 29 | 4.60 | <0.50 | 0.96 |
| Methylene Chloride | 0.50 | 94 | 0.60 | <0.50 | 0.27 |
| Perchloroethylene | 0.01 | 3 | 0.22 | <0.01 | 0.06 |
| Toluene | 0.10 | 0 | 5.40 | 0.30 | 1.49 |
| 1, 1, 1 -Trichloroethane | 0.05 | 23 | 0.09 | <0.05 | 0.05 |

| Table 17 Summary of 2001 Ambient Air Toxics Monitoring Data For San José Site | | | | | |
|--|-----------------------|--------------------------------------|------------------------------------|------------------------------------|---------------------------------|
| Compound | LOD* (ppb) | % of Samples < LOD | Maximum Conc. (ppb) | Minimum Conc. (ppb) | Mean Conc. (ppb) |
| Trichloroethylene | 0.08 | 100 | <0.08 | <0.08 | <0.08 |
| Vinyl Chloride | 0.30 | 100 | <0.30 | <0.30 | <0.30 |
| <i>Note: *LOD = Level of Detection.</i> | | | | | |

Attainment Status and Regional Air Quality Plans

The federal Clean Air Act and the California Clean Air Act of 1988 require that the State Air Resources Board, based on air quality monitoring data, designate portions of the state where the federal or state ambient air quality standards are not met as “nonattainment areas.” Because of the differences between the national and state standards, the designation of nonattainment areas is different under the federal and state legislation. The Bay Area is currently designated as a nonattainment area for the 1-hour ozone standard. However, in April 2004, USEPA made a final finding that the Bay Area has attained the national 1-hour ozone standard. The finding of attainment does not mean the Bay Area has been reclassified as an attainment area for the 1-hour standard. The region must submit a re-designation request to EPA in order to be reclassified as an attainment area.

The USEPA has classified the San Francisco Bay Area as a non-attainment area for the federal 8-hour ozone standard. The Bay Area was designated as unclassifiable/attainment for the federal PM_{2.5} standards.

Under the California Clean Air Act Santa Clara County is a non-attainment area for ozone and particulate matter (PM₁₀ and PM_{2.5}). The county is either attainment or unclassified for other pollutants

Sensitive Receptors

BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, schools playgrounds, child care centers, retirement homes, convalescent homes, hospitals and medical clinics. The Santa Teresa Hospital/Kaiser Medical Center is located west of the project site on the far side of SR 85. Sensitive receptors near the project site include residential uses to the north and southwest, approximately 0.2 miles from the project site. These residences are located on north of Monterey Highway and south of SR 85 (refer to Figure 3).

2. Air Quality Impacts

General Plan Amendment Impacts Thresholds of Significance

Based on BAAQMD guidelines, a General Plan or amendment to a General Plan is determined to be inconsistent with the most current Clean Air Plan (CAP), and, therefore, to have a significant air quality impact, if the plan or plan change would:

- Result in population growth that would exceed the values included in the current Clean Air Plan (CAP) for the City of San José; and
- Cause the rate of increase in vehicle miles traveled (VMT) to be greater than the rate of increase in population.

General Plan Amendment Air Quality Impacts

The 2000 Bay Area Clean Air Plan (CAP) is based upon Association of Bay Area Government (ABAG) Projections 1998. The proposed land use designation of *Mixed Use with No Underlying Land Use Designation* would allow for a mix of industrial and commercial uses on the site. The project does not propose any residential development on the site. For this reason, the project would be consistent with the population assumptions in the CAP.

The proposed industrial development at the project site would not allow growth that has not already been anticipated in the General Plan under the current *Industrial Park* designation. Future commercial and retail development proposed by the project would serve the existing community. The project proposes to preserve most (one million of the approximately 1.5 million square feet) of the site's existing amount of employment-generating building square footage. Therefore, it retains some of the reverse commute benefits of having the original Edenvale Redevelopment Project Area (industrial uses) at this location, although the proposed project would be providing 1,156 fewer jobs than development under the existing entitlements.

Table 18 lists Clean Air Plan Transportation Control Measures (TCMs) that include cities as implementing agencies. Cities are not the only implementing agencies for these TCMs; other agencies include counties, the BAAQMD, the Metropolitan Transportation Commission, Congestion Management Agencies, and school districts.

The proposed General Plan Amendment cannot, individually implement all of the listed TCMs, but the City's General Plan does include all those measures that are consistent with a City's responsibility. Most of these measures are already reflected in existing General Plan policies, which are the basis of mitigation for all land use impacts in San José.

| <p align="center">Table 18 CAP Transportation Control Measures To Be Implemented By Cities</p> | |
|---|--|
| Transportation Control Measure | Description |
| 1. Expand Employee Assistance Program | # Provide assistance to regional and local ride sharing organizations. |
| 9. Improve Bicycle Access and Facilities | # Establish and maintain bicycle advisory committees in all nine Bay Area Counties # Develop comprehensive bicycle plans. # Encourage employers and developers to provide bicycle access and facilities. # Improve and expand bicycle lane system. |
| 12. Improve Arterial Traffic Management | # Continue ongoing local signal timing programs. # Study signal preemption for buses on arterials with high volume of bus traffic. # Expand signal timing programs. # Improve arterials for bus operations and to encourage bicycling. |
| 15. Local Clean Air Plans, Policies and Programs | # Incorporate air quality beneficial policies and programs into local planning and development activities, with a particular focus on subdivision, zoning and site design measures that reduce the number and length of single-occupant automobile trips. |
| 17. Conduct Demonstration Projects | ▪ Promote demonstration projects to develop new strategies to reduce motor vehicle emissions. ▪ Projects include low emission vehicle fleets and LEV refueling infrastructure. |
| 19. Pedestrian Travel | ▪ Review/revise general/specific plan policies to promote development patterns that encourage walking and circulation policies that emphasize pedestrian travel and modify zoning ordinances to include pedestrian-friendly design standards ▪ Include pedestrian improvements in capital improvements programs. ▪ Designate a staff person as a Pedestrian Program Manager. |
| 20. Promote Traffic Calming Measures | ▪ Include traffic calming strategies in the transportation and land use elements of general and specific plans. ▪ Include traffic calming strategies in capital improvement programs. |

The proposed GPA would not change the amount of development assumed for the project site in the City's General Plan or CAP, nor does it propose residential uses. In addition, the proposed GPA does not compromise the reverse commute benefits of having job centers in south San José, although it provides 1,156 fewer jobs than the current industrial entitlement. For these reasons, the proposed GPA would not result in significant regional air quality impacts.

The proposed GPA is consistent with the assumptions in the 2000 CAP, therefore, the proposed GPA would not result in significant air quality impacts. (Less Than Significant Impact)

Specific Development Project Impacts Thresholds of Significance

For the purpose of this EIR, an air quality impact is considered significant if the project would:

- Conflict with or obstruct implementation of the applicable air quality plan;
- Violate an ambient air quality standard or contribute substantially to an existing or project-related air quality violation;
- Result in substantial emissions or deterioration of ambient air quality;
- Create objectionable odors;
- Expose sensitive receptors or the general public to substantial levels of toxic air contaminants; or
- Alter air movement, moisture, or temperature, or result in any change in climate either locally or regionally.

Specific Development Project Air Quality Impacts

Regional Air Quality Impacts

The proposed project would allow up to one million square feet of industrial development and up to 450,000 square feet of commercial development on the project site. BAAQMD has established threshold of significance for what would be considered a significant addition to existing air pollution. Reactive organic gases (ROGs)²¹, nitrogen oxides (NO_x), and sulfur oxides (SO_x), are known as “regional pollutants.” A project that generates more than 80 pounds per day of ROG, nitrogen oxides or PM₁₀ is considered to have a significant impact on regional air quality, according to BAAQMD guidelines. Without considering the existing entitlements, and comparing the proposed project to the undeveloped conditions on the site (i.e., not assuming any amount of development on the site and considering the entire project as “new” development), the proposed project would exceed those thresholds by more than three times (see Table 19).

| Table 19 Project Regional Emissions in Pounds Per Day | | | |
|--|-----------------------------------|----------------------------|------------------------|
| | Reactive Organic Gases | Nitrogen Oxides | PM₁₀ |
| BAAQMD Significance Threshold | 80.0 | 80.0 | 80.0 |
| Proposed Project | 280.6* | 333.0* | 277.0* |
| Existing Entitlements | 156.9 | 176.1 | 151.1 |
| Net Increase | 123.7 | 156.9 | 125.9 |
| <i>Note:</i> <i>* This assumes no existing entitlements and reflects the amount of pollutants generated by the proposed industrial and commercial development as compared to the existing undeveloped conditions on the site.</i> | | | |

²¹ Reactive Organic Gases are classes of organic chemical compounds containing carbon, which reacts rapidly in the atmosphere to form photochemical smog, or ozone.

Development under the existing entitlements (approximately 1.5 million square feet of industrial development) would also exceed BAAQMD thresholds. Development under existing entitlements, however, would exceed those thresholds by approximately two times. The proposed project, in comparison to the existing entitlements, would result in a net increase of 123.7 more pounds per day of ROG, 156.9 more pounds per day of nitrogen oxides, and 125.9 more pounds per day of PM₁₀.

- # **The project emissions, as shown on Table 19, would exceed the threshold of significance for reactive organic gases, nitrogen oxides, and PM₁₀. Therefore, the proposed project would have a significant impact on regional air quality. (Significant Impact)**

Local Air Quality Impacts

On the local scale, the project would change traffic on the local street network, thereby increasing carbon monoxide levels along roadways used by project traffic. The primary source of carbon monoxide in the Bay Area is automobiles. Concentrations of this gas are highest near intersections of major roads.

Carbon monoxide concentrations under worst-case meteorological conditions have been predicted for signalized intersections affected by project. These intersections were selected as having the worst intersection LOS and highest average delay. PM peak traffic volumes were applied to a screening form of the CALINE 4 dispersion model to predict maximum 1- and 8-hour concentrations near these intersections. The model results were used to predict the maximum 1- and 8-hour concentrations, corresponding to the 1- and 8-hour averaging times specified in the state and federal ambient air quality standards for carbon monoxide.

Table 20 shows the results of the CALINE-4 analysis for the peak 1-hour and 8-hour traffic periods in parts per million (PPM). The 1-hour values are to be compared to the federal 1-hour standard of 35 PPM and the state standard of 20 PPM. The 8-hour values in Table 20 are to be compared to the state and federal standard of 9 PPM.

Table 20 shows that both existing and predicted project-level concentrations near the intersections meet the 1-hour and 8-hour standards. Carbon monoxide concentrations are shown to meet the 1-hour and 8-hour standards. Traffic from the proposed project would increase concentrations by up to 0.9 PPM, but concentrations would remain below the most stringent state or federal standards.

Development under the existing approximately 1.5 millions square feet of industrial entitlements would result in similar local air quality impacts as the proposed project.

- # **The project would not cause any new violations of the federal or state standards for carbon monoxide nor contribute substantially to an existing or projected violation. (Less Than Significant Impact)**

| Table 20 Worst Case Carbon Monoxide Concentrations Near Selected Intersections (in ppm)* | | | | | | |
|--|-----------------|------------|------------------------------|------------|--|------------|
| Intersection | Existing (2005) | | Existing + Background (2005) | | Existing + Background + Project (2005) | |
| | 1-Hr | 8-Hr. | 1 Hr. | 8 Hr. | 1 Hr. | 8 Hr. |
| Monterey/Blossom Hill (North) | 7.4 | 5.3 | 9.4 | 6.7 | 9.6 | 6.8 |
| US 101/ Blossom Hill (West) | 8.6 | 6.1 | 11.0 | 7.8 | 11.0 | 7.8 |
| US 101/ Blossom Hill (East) | 7.6 | 5.4 | 8.8 | 6.3 | 8.8 | 6.3 |
| Cottle/Beswick | 7.1 | 5.1 | 8.9 | 6.3 | 8.9 | 6.3 |
| Via del Oro/San Ignacio | 4.7 | 3.4 | 5.2 | 3.7 | 5.8 | 4.2 |
| San Ignacio/Great Oaks | 6.1 | 4.4 | 7.2 | 5.2 | 7.7 | 5.5 |
| SR 85/Great Oaks (South) | 5.6 | 4.0 | 6.3 | 4.6 | 6.7 | 4.8 |
| San Ignacio/ Bernal | 6.9 | 5.0 | 8.1 | 5.8 | 9.0 | 6.4 |
| US 101/Bernal (West) | 7.3 | 5.2 | 8.8 | 6.3 | 9.0 | 6.4 |
| Most Stringent Standard | 20.0 | 9.0 | 20.0 | 9.0 | 20.0 | 9.0 |
| <i>Note: * This assumes no existing entitlements and reflects the amount of pollutants generated by the proposed industrial and commercial development as compared to the existing undeveloped conditions on the site.</i> | | | | | | |

General Plan Amendment and Specific Development Project Construction-Related Impacts

The proposed project would require the demolition of existing buildings on the site. The physical demolition of existing structures and other infrastructure are construction activities with a high potential for creating air pollutants. In addition to dust created during demolition, substantial dust emissions could be created as debris is loaded into trucks for disposal or during on-site crushing and recycling of concrete and asphalt rubble.

After removal of existing structures, construction dust would continue to affect local air quality during construction of the project. Grading, earthmoving, and excavation are the activities that generate the most PM₁₀ emissions. Construction activities would generate exhaust emissions from vehicles/equipment and fugitive particulate matter emissions that would affect local air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-waterbase paints, thinners, some insulating materials, and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application. In addition, construction of the project is anticipated to require a substantial number of truck and vehicle trips to and from the site during all phases of demolition and construction activities. These volumes will not, however, exceed the number of daily trips generated by the project at full buildout and they will end before the project is complete.

Construction dust could affect local air quality during implementation of the project. The dry, windy climate of the area during the summer months creates a high potential for dust generation when and if underlying soils are exposed to the atmosphere.

Development under the existing entitlements would result in similar construction-related air quality impacts as the proposed project.

- **The effects of construction activities would be increased dustfall and locally elevated levels of PM₁₀ downwind of construction activity. Construction dust may impact nearby properties. (Significant Impact)**

3. Mitigation and Avoidance Measures

General Plan Policies

- *Air Quality Policy 1* states that the City should take into consideration the cumulative air quality impacts from proposed developments and should establish and enforce appropriate land uses and regulations to reduce air pollution consistent with the region's Clean Air Plan and state law.
- *Air Quality Policy 2* states that expansion and improvement of public transportation services and facilities should be promoted, where appropriate, to both encourage energy conservation and reduce air pollution.
- *Air Quality Policy 5* states that in order to reduce vehicle miles traveled and traffic congestion, new development within 1,000 feet of an existing or planned transit station should be designed to encourage the usage of public transit and minimize the dependence on the automobile through the application of site design guidelines.
- *Energy Policy 1* states that the City should promote development in areas served by public transit and other existing services. Higher residential densities should be encouraged to locate in areas served by primary public transit routes and close to major employment centers.
- *Energy Policy 2* states that decisions on land use should consider the proximity of industrial and commercial uses to major residential areas in order to reduce the energy used for commuting.
- *Transportation, Pedestrian Facilities, Policy 17* states that pedestrian travel should be encouraged as a mode of movement between residential and non-residential areas throughout the City and in activity areas.
- *Transportation, Pedestrian Facilities, Policy 19* states that the City should encourage walking, bicycling, and public transportation as preferred modes of transportation.
- *Transportation, Pedestrian Facilities, Policy 23* states that each land use has different pedestrian needs. Street and sidewalk designs should relate to the function of the adjoining land use(s) and transit access points.
- *Transportation, Transportation Systems Management/Transportation Demand Management, Policy 28* states that the City should promote participation and implementation of appropriate Transportation Demand Management measures such

as carpooling and vanpooling, preferential parking and staggered work hours/flextime, as well as bicycling and walking, by all employers.

- *Transportation, Bicycling, Policy 50* states that the City should develop a safe, direct, and well-maintained transportation bicycle network linking residences, employment centers, schools, parks, and transit facilities and should promote bicycling as an alternative mode of transportation for commuting as well as for recreation.
- *Transportation, Bicycle, Policy 52* states that priority improvements to the Transportation Bicycle Network should include: bike routes linking light rail stations to nearby neighborhoods, bike paths along designated trails and pathway corridors, and bike paths linking residential areas to major employment centers.

Other Program Mitigation Measures

The project proposes the following measures to further minimize impacts to air quality:

- Any future development under the proposed General Plan designation would be subject to the City's grading ordinance; all earth moving activities shall include requirements to control fugitive dust, including regular watering of the ground surface, cleaning nearby streets, damp sweeping, and planting any areas left vacant for extensive periods of time.

Specific Development Mitigation Measures Proposed By the Project

The project proposes the following mitigation measures to reduce air quality impacts:

Demolition and Construction

The measures listed below, to control dust and exhaust emissions, shall be followed during all site excavation, grading, and construction activities. Implementation of these measures will reduce construction impacts to a less than significant level.

- All construction vehicles shall be properly maintained and equipped with exhaust mufflers that meet State standards.
- Newly disturbed soil surfaces shall be watered down regularly by a water truck(s) or by other approved method maintained on site during all grading operations. Construction grading activity shall be discontinued in wind conditions that in the opinion of the Public Works Construction Inspector cause excessive neighborhood dust problems. Wash down of dirt and debris into storm drain systems shall not be allowed.
- Construction activities shall be scheduled so that paving and foundation placement begin immediately upon completion of grading operation.
- All aggregate materials transported to and from the site shall be covered in accordance with Section 23114 of the California Vehicle Code during transit to and from the site.

- The BAAQMD has prepared a list of feasible construction dust control measures that can reduce construction impacts to a level of less than significant. The following construction practices required by the City of San José meet or exceed the BAAQMD feasible construction dust control measures and will be implemented during all phases of construction on the project site:
 - Water to control dust generation during demolition of structures and break-up of pavement.
 - Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
 - Cover all trucks hauling demolition debris, soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
 - Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
 - Sweep paved streets daily (preferably with water sweepers) including all paved access roads, parking areas, and staging areas at construction site.
 - Sweep adjacent streets daily (preferably with water sweepers) if visible soil material is carried onto these public streets.
 - Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
 - Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.)
 - Limit traffic speed on unpaved roads to 15 mph.
 - Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - Replant vegetation in disturbed areas as quickly as possible.

Operation

The following measure, in conjunction with the project site's proximity to bus service and light rail and mix of land uses, which allows for non-auto trips between land uses, would reduce project trip generation by up to 20 percent.

- The project shall include a Transportation Demand Management (TDM) program to minimize overall vehicle trip generation. The TDM program is subject to review and approval by the Planning Director at the Planned Development Permit stage and will include, at a minimum, the following elements:
 - Physical improvements, such as sidewalk improvements, landscaping, and bicycle parking that would act as incentives for pedestrian and bicycle modes of travel
 - Connection to regional bikeway/pedestrian trail system
 - Transit information kiosks
 - Carpool/vanpool program, e.g., carpool ridematching for employees, assistance with vanpool formation, provision of vanpool vehicles, etc.
 - Transit Use incentive program for employees, such as on-site distribution of passes and/or subsidized transit passes for local transit system
 - Preferential parking for electric or alternatively-fueled vehicles
 - Guaranteed ride home program
 - Flextime policy

- On-site child care
- Showers and lockers for employees bicycling or walking to work.
- Secure and conveniently located bicycle parking and storage for workers
- Parking cash-out program for employees (non-driving employees receive transportation allowance equivalent to the value of subsidized parking)

4. Conclusion

The proposed General Plan Amendment would not change the amount of development assumed for the project site in the General Plan or the CAP. The GPA does not propose residential uses on the site. In addition, the proposed GPA would retain some of the reverse commute benefits of having job centers in south San José, although it would result in 1,156 fewer jobs on the site than the existing industrial entitlements. For these reasons, the proposed GPA would not result in significant regional air quality impacts. **(Less Than Significant Impact)**

The specific development project's regional air quality impacts would remain significant after implementation of the mitigation measures above. **(Significant Unavoidable Impact)**

The specific development project would not result in significant local air quality impacts at intersections in the vicinity of the project site. **(Less Than Significant Impact)**

Implementation of the measures described above would reduce short-term construction related air quality impacts to a less than significant level. **(Less Than Significant Impact with Mitigation Incorporated)**

E. VISUAL AND AESTHETICS

1. Setting

Visual Character of the Project Site and Surrounding Area

The 74-acre project site is located within an industrial area in south San José. The project site is bounded by Great Oaks Boulevard to the north, Tuscon Way to the east, SR 85 to the east and south, and Manassas Road and the Hitachi campus to the west (refer to Figure 3).

The western half of the project site consists primarily of non-commercial orchard trees. The northwestern corner of the project site consists of orchard trees, unoccupied buildings, and a concrete pad (refer to Figure 6). The eastern half of the project site is mainly undeveloped land with a small strip of trees. Photographs of the project site are provided in the following pages (see Photos 1-11).

As mentioned above, the project site is bounded by Great Oaks Boulevard to the north. Railroad tracks and SR 82 are just north of Great Oaks Boulevard. Residences are located on the other side of SR 82, approximately 320 feet from the project site. Industrial uses are south of SR 85 and to the west of Manassas Road. The Hitachi campus is to the west of Manassas Road and the project site, and consists of large tilt-up concrete buildings surrounded by landscaped parking lots that are lit at night.

Views of the Project Site from the Surrounding Area

The site and most of the surrounding area are flat and, as a result, the site is only visible from the immediate area. The project site is visible from SR 85, a designated scenic urban throughway (refer to Photos 1 and 2).

Allowable Development Under Existing General Plan and Zoning Designations

The CEQA Guidelines (Section 15125) require a comparison of the proposed project with the existing physical environmental conditions as they exist at the time the Notice of Preparation is published. Therefore, the conclusions in the discussion below are based on a comparison of the proposed project with the existing physical conditions on the site at this time. It should be noted, however, that under the current General Plan and zoning designations applicable to the site, the site could be developed with a building or buildings totaling up to approximately 1.5 million square feet, with a maximum height of 50 feet on most of the site except for the southern portion of the site, which has a maximum allowable height of 120 feet (refer to Figure 5).

Photos 1 and 2

Photos 3 and 4

Photos 5 and 6

Photos 7 and 8

Photos 9 and 10

Photo 11

2. Visual and Aesthetics Impacts

Thresholds of Significance

For the purpose of this EIR, a visual and aesthetics impact is considered significant if the proposed project would:

- Have a substantial adverse effect on a scenic vista;
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
- Substantially degrade the existing visual character or quality of the site and its surroundings; or
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

General Plan Amendment and Specific Development Project Impacts

The assessment of a project's visual impact is dependent upon an evaluation of the size, character and design of the proposed development, and the degree to which the project is visually compatible with the surrounding community. The primary criteria that are considered in this assessment include: 1) the spatial relationship of the proposed structures within the site and to neighboring land uses; 2) the mass, scale, and height of the proposed structures and their visibility from the surrounding area; 3) the degree to which the project would contrast with the surrounding development in design and materials; and 4) whether the project is likely to result in visual impacts including glare, night-time lighting, or provide elevated views to nearby residences.

Change in Visual Character and Impacts to Visual Resources or Scenic Views

The site is visible from the surrounding roadways (Manassas Road, Tuscon Way, Great Oaks Boulevard, SR 85, and White Plains Road), the adjacent Equinix Property, and the adjacent Hitachi campus. The project site has entitlements to develop up to approximately 1.5 million square feet of industrial office/R&D uses on the site.

As mentioned previously, the project site consists of unoccupied buildings on the northwest corner of the site, however, most of the site is undeveloped. Other than the substantial number of trees, the project site does not contain significant visual or aesthetic resources and the site itself is not part of a scenic view corridor. The foothills to the east and west of the valley, however, are visible from the roadways, particularly SR 85, surrounding the site.

The site is adjacent to the Hitachi industrial campus (located to the west), which is characterized by numerous large scale buildings and substantial surface parking lots. A mixed-use project was recently approved on the Hitachi campus (GP04-02-01 and PDC04-031) in June 2005. The mixed-use project allows for the development of industrial, commercial, and residential uses on the Hitachi campus, with buildings of up to 120 feet tall. The Equinix Property is located to the east of the site and is developed with an industrial building and surface parking lot.

The proposed GPA would allow for the replacement of the existing agricultural buildings, orchard trees, and undeveloped land with up to one million square feet of industrial uses and up to 450,000 square feet of commercial uses. The proposed revisions to the General Plan also include a change to the height of buildings allowed on the site. Currently, most of the site has a maximum allowed building height of 50 feet. A small portion of the site is located in a Transit Area and the maximum allowable buildings height in this area is 120 feet (refer to Figure 5). As part of the proposed GPA, the entire site would have a maximum allowed height of 120 feet. The existing buildings on the site are a maximum of approximately 35 feet in height. The proposed industrial and commercial land uses would be different in scale and appearance than the existing agricultural buildings, orchard trees, and undeveloped areas of the site. Development of the taller structures on the site could limit the current views of the eastern foothills from SR 85 and the western foothills from Monterey Road. Refer to *Section II. A. Land Use*, for a discussion of the potential shade and shadow impacts of the project.

Development of the proposed project could result in the removal of up to 2,330 trees, including 55 ordinance-size trees. Future development would be required to replace ordinance-size trees at an appropriate ratio. Refer to *Section II.D. Biological Resources* for additional details regarding mitigation for impacts to ordinance-sized trees. The loss of a large number of trees on the site would result in a significant change in the visual character of the site.

Compared to the proposed project, development under the existing entitlements would result in lesser significant visual impacts because the majority of the building on-site would be built at a maximum height of 50 feet, instead of the proposed 120 feet across the entire site. Impacts to trees would be similar to those of the proposed project.

- **Based upon the above discussion, future development on the site would result in a significant change in visual character on the site, as compared to the existing conditions, and to the extent that existing views of the hills are obscured, could block views of scenic resources from SR 85 and Monterey Road. (Significant Impact)**

Light and Glare Impacts

Future development would have outdoor security night lighting on the site, along walkways, parking lots and entrance areas, and lighting for retail signs. Low-pressure sodium lighting would be used, consistent with City policies. Adopted Design Guidelines require that the fixtures be oriented downward and designed to preclude spillover light. This outside lighting would generally increase the level of illumination in the area, but would not cause significant glare or light spillover onto adjacent properties. Residential uses nearest the proposed site are set back across Monterey Highway and SR 85 and would not be impacted by lighting on the project site. In addition, the proposed project would not be constructed with highly reflective materials. The surfaces of the buildings would be articulated, not flat, in order to minimize glare from the structures (refer to Appendix B). For these reasons, the proposed project would not result in significant light and glare impacts.

Development under the existing entitlements would result in similar light and glare impacts as the proposed project.

- **The proposed project would not result in significant light or glare impacts. (Less Than Significant Impact)**

3. Mitigation and Avoidance Measures

General Plan Policies

Change in Visual Character

- *Urban Design Policy 1* states that the City should continue to apply strong architectural and site design controls on all types of development to ensure the proper transition between areas with different types of land uses.
- *Urban Design Policy 2* states that private development should include adequate landscaped areas. Landscaped areas should utilize water efficient plant materials and irrigation systems. Energy conservation techniques such as vegetative cooling and wind shielding should be utilized. All landscaped areas should include provision for ongoing landscape maintenance.
- *Urban Design Policy 7* states that design solutions should be considered in the development review process which addresses security, aesthetics, and public safety.
- *Urban Design Policy 22* states that design guidelines adopted by the City Council should be followed in the design of development projects.
- *Urban Design Policy 24* states that new development projects should include the preservation of ordinance-sized and other significant trees.
- *Scenic Routes Policy 1* states that Development within the designated Rural Scenic Corridors and along designated Landscaped Throughways should be designed with the intent of preserving and enhancing attractive natural and man-made vistas.
- *Scenic Routes Policy 4* states that any development occurring adjacent to Landscaped Throughways should incorporate interesting and attractive design qualities and promote a high standard of architectural excellence.
- *Scenic Routes Policy 9* states that billboards adjacent to all scenic routes should be strongly discouraged.
- *Urban Forest Policy 3* states that the City encourages the maintenance of mature trees on public and private property as an integral part of the urban forest. Prior to allowing the removal of any mature tree, all reasonable measures which can effectively preserve the tree should be pursued.

Light and Glare Impacts

- *Energy Policy 6* states that all street lights in areas outside of the Downtown Core Area should use the low-pressure sodium vapor lighting.

- *Energy Policy 7* states that the City should require low-pressure sodium vapor lighting for outdoor, unroofed areas in all new developments.

Other Program Mitigation Measures

- Lighting for new commercial development shall be designed and operated in a manner consistent with the City Council's adopted Outdoor Lighting Policy.

Specific Development Project Mitigation Measure

The project proposes the following mitigation measure to reduce visual and aesthetic impacts:

- Future development on the site will conform to landscaping, design, setbacks, and height requirements in the City's adopted *Industrial and Commercial Design Guidelines*. Consistency with these guidelines would be specifically evaluated for proposed development at the Planned Development Permit stage.

4. Conclusion

Future development allowed under the proposed General Plan amendments would result in a significant change in visual character on the site, as compared to the existing conditions, due to the removal of large trees and the construction of new buildings that could be up to 120 feet tall and which could also block views of scenic resources, including views of the foothills to the west and east. **(Significant Unavoidable Impact)**

The proposed project would not result in significant light or glare impacts. **(Less Than Significant Impact)**

F. BIOLOGICAL RESOURCES

The following discussion of biological resources is based upon a site reconnaissance survey and a field survey completed by *H.T. Harvey & Associates* in October 2003 and a field survey completed by *WRA Environmental Consultants* in July 2005.

A tree survey was also conducted by *H.T. Harvey and Associates* in December 2000, and a supplemental survey was conducted by *David J. Powers & Associates, Inc.* in November 2003. In August 2005, an updated tree assessment of specific trees was completed by *HortScience Inc.* The complete site reconnaissance surveys and tree survey information is provided in Appendix F and G, respectively.

1. Setting

The approximately 74-acre project site is located within a developed area of the City of San José. The project site is located north of SR 85, east of Manassas Road, south of Monterey Road, and west of Tuscon Road. Urban development consisting of mostly corporate campuses and residential neighborhoods dominate the surrounding area. The site consists of mostly level ground with large areas covered by non-commercial orchard trees (mostly cherry and plum). There is little to no understory vegetation due to regular disking of the property. In addition to the orchard trees, there are a few groups of larger trees on the site, including oak, eucalyptus, pine, and palm trees.

Habitat Types

Three biotic habitats were identified on the project site (refer to Figure 18): ruderal/ornamental, orchard, and agricultural (dryland hay). These habitats are described in more detail below.

Ruderal/Ornamental

Vegetation. Ruderal/ornamental habitat comprises approximately 11 acres of the project site. This habitat includes mature tree stands as remnants from agricultural homesteads which once occupied this land. Mature trees in this habitat include coast redwood, coast live oak, cottonwood, valley oak, fan palm, olive, buckeye, walnut, and blue gum. The understory of these trees is almost entirely absent, except for scattered annual grasses, because the soil appears to be disked or rolled on a regular basis. Other understory areas are dominated by thicket-forming shrubs such as alder, snowberry, and Himalayan blackberry, in addition to scattered annual grasses and thistles.

Wildlife. Mammals found in this type of habitat are those typical of urban habitats, such as house mice, roof rats, fox squirrels, deer mice, and feral cats. Bird species include the European starling, American robin, mourning dove, Brewer's blackbird, and the northern mockingbird, all of which may nest and forage in native and non-native vegetation found in these habitats. The large trees in the ornamental habitat provide potential nesting sites for many raptor species, including American kestrels and red-tailed hawks; the latter was observed in a large cottonwood on the site.

Figure 18 Biotic Habitats

Orchards

Vegetation. Approximately 36 acres of the project site consists of various fruit and nut trees forming orchard habitat. These orchard trees included two species of walnut and at least two species of stonefruit. Much of the understory consists of bare ground with some scattered annual grasses and ornamental species.

Wildlife. The lack of understory in the orchards precludes use of the area by most mammals. Mice and rats may live within an oleander thicket, in the grasses along access roads, and in and among the agricultural buildings. Regular disking of most of the orchard likely prevents most fossorial (burrowing) mammals, such as California ground squirrels and Botta's pocket gophers from establishing and maintaining burrows. Songbirds using this area include those listed above for the ruderal/ornamental habitats.

Agricultural (Dryland Hay)

Vegetation. Approximately 26 acres of the project site supported dryland grain crops forming agricultural habitat. Currently, there are no agricultural activities on-site.

Wildlife. Mammals using this habitat include those listed above for ruderal/ornamental and orchard habitats, as well as the Black-tailed hare and California ground squirrels. The California ground squirrels and Botta's pocket gophers have established burrows off-site on the road bank for Highway 85, as well as along the dirt road between Manassas Road and, likely, within the agricultural field. A variety of common songbirds may forage in this field and seek shelter in the adjacent orchards or ruderal vegetation, including red-winged blackbirds, mourning doves, and house finches. Cliff swallows were observed foraging on-site, but are likely nesting under the adjacent Highway 85 overpass.

Regulated Habitats

United States Army Corps of Engineers Jurisdiction

Areas meeting the regulatory definition of "Waters of the United States" (jurisdictional waters) are subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE). The USACE, under provisions of Section 404 of the Clean Water Act (1972) and Section 10 of the Rivers and Harbors Act (1899), has jurisdiction over "Waters of the U.S." These waters may include all waters used, or potentially used, for interstate commerce, including all waters subject to the ebb and flow of the tide, all interstate waters, all other waters (intrastate lakes, rivers, streams, mudflats, sandflats, playa lakes, natural ponds, etc.), all impoundments of waters otherwise defined as Waters of the U.S., tributaries of waters otherwise defined as Waters of the U.S., the territorial seas, and wetlands adjacent to Waters of the U.S.

Areas not considered to be jurisdictional waters include non-tidal drainage and irrigation ditches excavated on dry land, artificially-irrigated areas, artificial lakes or ponds used for irrigation or stock watering, small artificial water bodies such as swimming pools, and water-filled depressions.

Construction activities within jurisdictional waters are regulated by the USACE. The placement of fill into such waters must be in compliance with permit requirements of the USACE. No USACE permit will be approved in the absence of state water quality

certification pursuant to Section 401 of the Clean Water Act. State Water Resources Control Board is the state agency charged with implementing water quality certification in California.

A reconnaissance-level field survey was conducted in May 2000 for areas that meet the regulatory definition of Waters of the U.S. No areas of potential jurisdictional waters on the site were observed. In addition, the National Wetland Inventory map does not reveal any wetland resources on site.

California Department of Fish and Game Jurisdiction

Activities that result in the diversion or obstruction of the natural flow of a stream, or which substantially change its bed, channel or bank, or which utilize any materials (including vegetation) from the streambed requires that the project applicant enter into a Streambed Alteration Agreement with the CDFG, under Sections 1601-1603 of the state Fish and Game Code. The CDFG potentially extends the definition of stream to include “intermittent and ephemeral streams, rivers, creeks, dry washes, sloughs, blue-line streams (USGS), and watercourses with subsurface flows. Canals, aqueducts, irrigation ditches, and other means of water conveyance can also be considered streams if they support aquatic life, riparian vegetation, or stream-dependent terrestrial wildlife.”

No areas potentially subject to the jurisdiction of CDFG, under Section 1600 of the California Fish and Game Code were identified during the field survey.

City of San José Tree Ordinance

The City of San José maintains the urban natural landscape partly by promoting the health, safety, and welfare of the City by controlling the removal of ordinance trees on private property. Ordinance-size trees are defined as trees over 56 inches or more in circumference at a height of 24 inches above natural grade.²² The removal of mature trees detracts from the scenic beauty of the City; causes erosion of topsoil; creates flood hazards; increases the risk of landslides; reduces property values; increases the cost of construction and maintenance of drainage systems through the increased flow and diversion of surface waters; and eliminates one of the prime oxygen producers and prime air purification systems in this area.²³

A tree survey showed there were 2,330 trees located on the project site. The vast majority of trees on the site are orchard trees. Fifty-five of the 2,330 trees are ordinance-size trees. The ordinance-size trees are scattered throughout the site and clustered along Little Avenue, south of the former nursery area, and south of the Equinix Colocation building (refer to Figure 19). The ordinance-size trees on the western portion of the site are all in excellent health. The ordinance-size trees on the eastern portion of the site range from poor to excellent health.

Of the 55 ordinance size trees on-site, six are native trees. The native trees include coast live oaks and a valley oak. According to the tree assessments completed in 2000 and 2003, these native trees are in excellent health and their circumference ranges from 83 inches to 130 inches. Ordinance-size coast redwood, western red cedar, and northern California black walnut trees are also native to California, but they are not locally native to Santa Clara Valley and have been planted on the site. The largest ordinance-size trees include coast redwoods

²² City of San José Civil Code (13.32.020).

²³ City of San José Civil Codes (Prior code Section 8930; Ordinance 13.32.010).

that are clustered along Little Avenue, south of the former nursery area. These redwoods are visibly distinguishable from the other trees along Little Avenue: they are twice the height of the surrounding trees.

Table 21 lists and identifies the ordinance-size trees and their size and health condition. Figure 19 shows the location of the ordinance-size trees on the site.

| Tree #¹ | Common Name³ | Scientific Name | Circumference at 2 feet Above Grade (inches) | Health and Vigor (0-5)² |
|---------------------------|--------------------------------|---------------------------------|---|---|
| 47 | Coast redwood | <i>Sequoia sempervirens</i> | 159 | 5 |
| 48 | Coast redwood | <i>Sequoia sempervirens</i> | 158 | 5 |
| 49 | Coast live oak | <i>Quercus agrifolia</i> | 83 | 5 |
| 50 | Coast live oak | <i>Quercus agrifolia</i> | 105 | 5 |
| 55 | Coast redwood | <i>Sequoia sempervirens</i> | 86 | 5 |
| 57 | Coast redwood | <i>Sequoia sempervirens</i> | 63+105=168 | 5 |
| 58 | Coast redwood | <i>Sequoia sempervirens</i> | 59 | 5 |
| 115 | Howard walnut, grafted | <i>Juglans sp.</i> | 28+25+25=79 | 5 |
| 270 | Peruvian pepper tree | <i>Schinus molle</i> | 69 | 5 |
| 353 | Peruvian pepper tree | <i>Schinus molle</i> | 82 | 5 |
| 565 | Unknown tree | | 75 | 5 |
| 567 | Peruvian pepper tree | <i>Schinus molle</i> | 75 | 5 |
| 569 | Tree-of-Heaven | <i>Ailanthus altissima</i> | 22+25+28=75 | 5 |
| 719 | Howard walnut, grafted | <i>Juglans sp.</i> | 22+22+22+16=82 | 4 |
| 845 | Cherry | <i>Prunus sp.</i> | 63 | 5 |
| 862 | Cherry | <i>Prunus sp.</i> | 57 | 5 |
| 881 | Coast redwood | <i>Sequoia sempervirens</i> | 110 | 4 |
| 882 | Coast redwood | <i>Sequoia sempervirens</i> | 135 | 5 |
| 883 | Western red cedar | <i>Thuja plicata</i> | 97 | 5 |
| 884 | Coast redwood | <i>Sequoia sempervirens</i> | 130 | 5 |
| 885 | Coast redwood | <i>Sequoia sempervirens</i> | 137 | 5 |
| A24 | Howard walnut, grafted | <i>Juglans sp.</i> | 22+19+16=57 | 5 |
| A68 | Black oak | <i>Quercus kelloggii</i> | 119 | 5 |
| A130 | Acacia | <i>Acacia sp.</i> | 59+41=100 | 5 |
| A132 | Coast live oak | <i>Quercus agrifolia</i> | 130 | 5 |
| A133 | Coast redwood | <i>Sequoia sempervirens</i> | 167 | 5 |
| A134 | Coast live oak | <i>Quercus agrifolia</i> | 90 | 5 |
| A143 | Avocado | <i>Persea</i> | 73 | 5 |
| A263 | Avocado | <i>Persea</i> | 64 | 5 |
| A325 | Coast redwood | <i>Sequoia sempervirens</i> | 120 | 5 |
| A359 | Cherry | <i>Prunus sp.</i> | 57 | 5 |
| A451 | Cherry | <i>Prunus sp.</i> | 57 | 5 |
| A615 | Cherry | <i>Prunus sp.</i> | 57 | 5 |
| A921 | Cherry | <i>Prunus sp.</i> | 66 | 5 |

Table 21
Ordinance-Size Trees

| Tree # ¹ | Common Name ³ | Scientific Name | Circumference at 2 feet Above Grade (inches) | Health and Vigor (0-5) ² |
|---------------------|-------------------------------------|---|--|--|
| A923 | Cherry | <i>Prunus sp.</i> | 58 | 5 |
| B4 | Cherry | <i>Prunus sp.</i> | 58 | 5 |
| B30 | Peruvian pepper tree | <i>Schinus molle</i> | 152 | 5 |
| B47 | Almond | <i>Prunus sp.</i> | 74 | 4 |
| B55 | Valley oak | <i>Quercus lobata</i> | 157 | 5 |
| B192 | Cherry | <i>Prunus sp.</i> | 58 | 5 |
| B397 | Cherry | <i>Prunus sp.</i> | 57 | 5 |
| C1 | Cottonwood | <i>Populus sp.</i> | 113 | 2 |
| C10 | Persimmon | <i>Diospyros sp.</i> | 36+27=63 | 2 |
| C21 | Olive | <i>Olea sp.</i> | 116 | 4 |
| C23 | Almond | <i>Prunus sp.</i> | 37+42+34=113 | 3 |
| C24 | Northern California Black Walnut | <i>Juglans californica</i> <i>var. hindsii</i> | 46+35=81 | 3 |
| C25 | Northern California Black Walnut | <i>Juglans californica</i> <i>var. hindsii</i> | 163 | 3 |
| C27 | Northern California Black Walnut | <i>Juglans californica</i> <i>var. hindsii</i> | 91 | 3 |
| C28 | Canary Island Palm | <i>Phoenix canariensis</i> | 170 | 4 |
| C29 | Elm | <i>Ulmus sp.</i> | 119 | 4 |
| C30 | Fan Palm | <i>Washingtonia filifera</i> | 129 | 3 |
| C31 | Coast Live Oak | <i>Quercus agrifolia</i> | 104 | 4 |
| C33 | Northern California Black Walnut | <i>Juglans californica</i> <i>var. hindsii</i> | 176 | 3 |
| C34 | Northern California Black Walnut | <i>Juglans californica</i> <i>var. hindsii</i> | 42+39+35+35=151 | 3 |
| C39 | Northern California Black Walnut | <i>Juglans californica</i> <i>var. hindsii</i> | 79 | 3 |

Notes:

Bold = trees native to the Santa Clara Valley.

¹ For location of ordinance-size trees, refer to Figure 19.

² 0=Dead; 1=Very Low Vigor; 2=Low Vigor; 3=Moderate Vigor; 4=High Vigor; 5=Very High Vigor.

³ Coast Redwood, Western red cedar, and Northern California black walnut are native to California, however, they are not locally native to the Santa Clara Valley and have been planted on the site.

Figure 19 Ordinance-Size Tree Locations

Updated Tree Assessment

An additional tree assessment was completed in August 2005 to reassess the six, ordinance-size, native trees on the site (tree numbers 49, 50, 132, 134, B55, and C31 in Table 22). An update of the health of these six trees is provided in Table 22 below. The updated tree assessment identifies tree number 135 is an ordinance-size native tree; it was not previously identified as an ordinance-size native tree in the previous survey.

| Table 22 Updated Tree Assessment for Ordinance Size Native Trees | | | | | |
|---|--------------------|---|---------------------------------|---|---------------------------------|
| Tree # | Common Name | December 2000/ November 2003 Tree Assessment | | August 2005 Tree Assessment | |
| | | Circumference at 2 ft. Above Grade | Health and Vigor | Circumference at 2 ft. Above Grade | Health and Vigor |
| 49 | Coast Live Oak | 83 | 5 | 88 | 3 |
| 50 | Coast Live Oak | 105 | 5 | 107 | 4 |
| A132 | Coast Live Oak | 130 | 5 | 126 | 1 |
| A134 | Coast Live Oak | 90 | 5 | 94 | 3 |
| A135 | Coast Live Oak | 50 | 5 | 60 | 3 |
| B55 | Valley Oak | 157 | 5 | 157 | 2 |
| C31 | Coast Live Oak | 104 | 4 | 104 | 4 |

Though there are minor discrepancies in the circumference of the ordinance size native trees, they are all still considered to meet the City's definition of ordinance size trees. The health and vigor of all these trees has declined over the years, except for tree C31 whose health has been maintained. According to the update tree assessment completed in 2005, the health and vigor of these trees declined from trees with *high* and *very high vigor* to *low* to *high vigor*.

City of San José Heritage Trees

Under the City of San José Municipal Code, Section 13.28.330 and Section 13.32.090, specific trees are found, because of factors including, but not limited to, their history, girth, height, species or unique quality, to have a special significance to the community and are designated "Heritage Trees." There are no designated heritage trees present on the project site.

Special-Status Plant and Wildlife Species

Federal and state endangered species legislation gives several plant and animal species known to occur in the vicinity of the project site special-status. In addition, state resource agencies and professional organizations, whose lists are recognized by agencies when reviewing environmental documents, have identified some sensitive species occurring in the vicinity of the project site. Such species are referred to collectively as "species of special

status” and include plants and animals listed, proposed for listing, or candidates for listing as “threatened” or “endangered” under the Federal Endangered Species Act (FESA) or the California Endangered Species Act (CESA); animals listed as “fully protected” under the California Fish and Game Code, animals designated as “Species of Special Concern” by the CDFG; and plants listed as rare or endangered in the California Native Plant Society’s (CNPS) Inventory of Rare and Endangered Vascular Plants of California (1994).

Special-Status Plant Species

A search of relevant databases was completed to identify special-status plant species which may occur in the project vicinity. A total of 42 special-status plant species were identified in the databases with the potential to occur on the project vicinity. All 42 species were dismissed as potentially occurring on the site due to the absence of suitable habitat conditions or microhabitats (such as serpentine or alkaline substrates), and/or have been regarded as extirpated from Santa Clara County, or extinct.

Reconnaissance level surveys were conducted on May 5, 2000 and October 2003 on the project site by the consulting biologist. The biologists concluded that no species-specific surveys will be necessary to account for potentially occurring plants because no suitable habitat was found for any of the special status species.

Special-Status Animal Species

A search of relevant databases was completed to identify special-status animal species which may occur in the project vicinity. The apparent lack of water on the site, either permanent or seasonal, precludes many special-status species from consideration. Species that are not expected to breed or forage on the site frequently, or for long durations during the breeding season, or which occur only briefly during migration include the sharp-shinned hawk, Cooper’s hawk, golden eagle, merlin, American peregrine falcon, prairie falcon, Vaux’s swift, California yellow warbler, California horned lark, California mastiff bat, and Townsend’s big-eared bat. Willow flycatchers likely occur during migration; however, these are unlikely to be the endangered subspecies.

The only species of special concern that may nest on the site are the white-tailed kite, northern harrier, burrowing owl, loggerhead shrike, and the pallid bat. In addition, there is potential nesting habitat for raptors in all large trees that occur on the site. These special-status animal species are described in more detail below:

Northern Harrier. Northern harriers are found in open grasslands, agricultural fields, and marshes throughout much of North America. There is potential for harriers to both forage and nest in this area, particularly in the open field area.

White-tailed Kite. The white-tailed kite is found in brushy grasslands and agricultural areas with low ground cover, as well as grassy foothills, marsh, riparian, woodland, and savanna. They require tall oaks, willows, or other broad-leaved deciduous trees for nesting. There is potential for kites to forage in the agricultural field and orchard, and nest in the large trees on the site.

Burrowing Owl. Burrowing owls are terrestrial birds typically found in open, dry annual or perennial grasslands, deserts, and scrublands. They prefer habitats with low-growing vegetation, and/or slightly elevated areas of bare ground so as to detect predators. They nest in burrows which are excavated by burrowing mammals, most notably the California ground squirrel. Burrowing owls have been found throughout the area surrounding the project site. No owls were observed on the site; however, several ground squirrels and burrows were located along the road bank for Highway 85, as well as along the dirt road between Manassas Road and the Equinix buildings. Thus, burrowing owls could occupy the site at any time and approximately 35 acres of the project site is considered suitable burrowing owl habitat.²⁴

Loggerhead Shrike. Loggerhead shrikes are associated with grasslands and ruderal habitats. Loggerhead shrikes nest in the understory herbaceous vegetation, under dense trees and tall shrubs. There are records of breeding shrikes in areas around the site, and they may breed in the larger trees and shrubs on the study area.

Pallid Bat. Pallid bats generally roost in rocky outcroppings, in buildings, under bridges, and in hollow trees, and range from a few to over a hundred individuals in a roost. Pallid bats forage on terrestrial arthropods, and frequent dry open grasslands near water. This species may forage in open fields and roost in the large oak trees and old buildings on the agricultural lands found on the site.

Nesting Raptors. Raptors (e.g., eagles, hawks, and owls) and their nests are protected under both federal and state laws and regulations. The federal Migratory Bird Treaty Act (16 U.S.C. 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. Birds of prey are protected in California under Fish and Game Code (CDFG) Section 3503.5. Section 3503.5 states that it is “unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.”

Several raptors are known to occur in the project vicinity and may breed on the project site or in the vicinity.

Reconnaissance-level Survey

A reconnaissance-level survey for wildlife species for the southern portion of the project site was completed in October 2003, which would have been after the nesting season for most species. The purpose of the survey was to evaluate the site’s potential to support tree-nesting raptors, white-tailed kites, great-horned owls, and burrowing owls. No burrowing owls or tree-nesting raptors were observed on the project site, however, certain areas of the project site are consistent with potential nesting habitat for these species.

An additional reconnaissance survey was completed in June 2005. Several unoccupied nests were observed in the canopies of the fruit trees, which may have been previously occupied by white-tailed kites. One active red-tailed hawk nest was observed in a tall coast redwood tree

²⁴ Terrill, Scott. “Re: Aerials of iStar.” Email to David J. Powers & Associates, Inc. from H.T. Harvey and Associates. 30 November 2005.

located on the southeast corner of the property during the survey. Fledglings were heard calling from the nest and the adult pair was observed hovering and coupling above the nest.

2. Biological Resources Impacts

Thresholds of Significance

For the purpose of this EIR, a biological resources impact is considered significant if the project would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations;
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- Conflict with any local ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

The project site is currently entitled to develop up to approximately 1.5 square feet of industrial office/R&D uses. The project proposes a GPA and PD zoning to allow for the development of industrial and commercial uses on-site. It is assumed in this report that most of the site would be paved by future development under either the existing or proposed land use designation and zoning.

The field surveys did not find any candidate, sensitive or special status species on the proposed site. The project site does not include riparian habitat, or wetlands, nor is the site adjacent to any wetlands, waterway or other sensitive habitat. Therefore, implementation of the proposed project would not have any impact, direct or indirect, on wetlands. The site is not addressed in any adopted conservation plan.

Ordinance Trees

The ordinance-size trees on the site consist of mature orchard trees (cherry and almond), redwoods, and California black walnuts. As mentioned previously, there are seven native, ordinance-size trees on the site. The health of the native trees has declined over the years. The majority of the ordinance-size trees, however, are in excellent health.

Because there is no definitive site plan (other than a “conceptual” site plan) at this time, it is not known and therefore is not possible to specify which trees will be preserved. Therefore,

this EIR assumes that future development on the site could result in the removal of any or all of the 2,330 trees from the property, including up to 55 ordinance-size trees. A tree removal permit will be required from the City for the removal of ordinance-size trees.

Development under the existing entitlements would result in similar impacts to trees as the proposed project.

- **Future development under the proposed land uses on the project site could result in the removal of up to 2,275 non-ordinance-size trees and up to 55 ordinance-size trees. (Significant Impact)**

Special-Status Animal Species

As mentioned previously, the sharp-shinned hawk, Cooper's hawk, golden eagle, merlin, American peregrine falcon, prairie falcon, Vaux's swift, California yellow warbler, California horned lark, California mastiff bat, and Townsend's big-eared bat are not expected to breed or forage on the site frequently or only occur briefly during migration. The proposed project would have no impact on the breeding success of any of these species. Due to the abundance of similar and higher-quality habitats regionally, the foraging habitat for most of these species would not be significantly impacted. Furthermore, due to the low numbers of individuals of these species expected to use the project site, development of the project is not expected to have significant impact on these species that do not breed on the project site.

Northern Harrier

There is potential for northern harriers to forage and nest in the project area, especially the open fields on the project site. The development of the proposed project would impact foraging and nesting habitat for the northern harrier.

Development under the existing entitlements would result in similar impacts to northern harriers as the proposed project.

- **Development of the proposed project could impact nesting Northern Harriers. (Significant Impact)**

White-tailed Kite

There is potential for kites to forage in the open field and orchard on the project site and nest in the large trees on the site. For this reason, development of the proposed project and removal of trees on-site may impact kites.

Development under the existing entitlements would result in similar impacts to White-tailed kites as the proposed project.

- # **Development of the proposed project could impact nesting white-tailed kites. (Significant Impact)**

Burrowing Owls

Although burrowing owls were not observed on the site and have not been known to occur on the site, they have been found throughout the project area. Given the flat nature of the site, there is a potential for owls to locate onto the site at any time. Development of the proposed project could result in impacts to individual burrowing owls if owls moved onto the site prior to project construction. If owls are using active nests when construction activity commences, grading of the site could result in destruction of nests and individual owls.

Development under the existing entitlements would result in similar impacts to burrowing owls as the proposed project.

Development of the proposed project could impact burrowing owls. (Significant Impact)

Burrowing owls have been found throughout the area surrounding the project site. No owls were observed on the site; however, several ground squirrels and burrows were located along the road bank for Highway 85, as well as along the dirt road between Manassas Road and the Equinix buildings. Thus, burrowing owls could occupy the site at any time and approximately 35 acres of the project site is considered suitable burrowing owl habitat. Therefore, development of the proposed project would result in a loss of suitable burrowing owl habitat.

Development under the existing entitlements would result in similar impacts to burrowing owls as the proposed project.

Development of the proposed project could impact burrowing owl habitat. (Significant Impact)

Loggerhead Shrike

Loggerhead shrikes nest in the understory herbaceous vegetation, under dense trees and tall shrubs. There are records of breeding shrikes in project vicinity, and they may breed in the larger trees and shrubs on the site. While development in areas where loggerhead shrikes forage is unlikely to have a significant impact on their populations, development in areas with tall trees and shrubs could cause the destruction of nests during the breeding season (February through August).

Development under the existing entitlements would result in similar impacts to burrowing owls as the proposed project.

▪ Development of the proposed project could impact nesting loggerhead shrikes. (Significant Impact)

Pallid Bat

Pallid bats may forage on the project site and roost in the large oak trees and old buildings on the project site. While foraging habitat is available elsewhere, any demolition of potential roosts, such as large trees or old buildings, would constitute a significant impact.

Development under the existing entitlements would result in similar impacts to pallid bat roosts as the proposed project.

- **Development of the proposed project could impact pallid bat roosts. (Significant Impact)**

Nesting Raptors

Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered a “taking” by the CDFG. Any loss of fertile raptor eggs or nesting raptors, or any activities resulting in raptor nest abandonment, would constitute a significant impact. Construction activities such as tree removal and site grading that disturb a nesting raptor on-site or immediately adjacent to the construction zone would constitute a significant impact.

Several raptors are known to occur in the project vicinity and may breed either on the site or close enough that nest may be potentially disturbed or destroyed by project-related construction disturbance.

- **Development of the proposed project could impact nesting raptors on the site or in the immediate site vicinity. (Significant Impact)**

3. Mitigation and Avoidance Measures

General Plan Policies

Ordinance Trees

- *Urban Forest Policy 2* states development projects should include the preservation of ordinance-sized, and other significant trees. Any adverse affect on the health and longevity of native oaks, ordinance-sized or other significant trees should be avoided through appropriate design measures and construction practices. When tree preservation is not feasible, the project should include appropriate tree replacement. In support of these policies the City should:

Continue to implement the Heritage Tree program and the Tree Removal Ordinance. Consider the adoption of Tree Protection Standards and Tree Removal Mitigation Guidelines.

- *Urban Forest Policy 3* states the City should encourage the maintenance of mature trees on public and private property as an integral part of the urban forest. Prior to allowing the removal of any mature tree, all responsible measures which can effectively preserve the tree should be pursued.
- *Urban Forest Policy 5* states that the City should encourage the selection of trees appropriate for a particular urban site. Tree placement should consider energy saving values, nearby power lines, and root characteristics.
- *Urban Forest Policy 6* states that trees used for new plantings in urban areas should be selected primarily from species with low water requirements.

- *Urban Forest Policy 7* states that, where appropriate, trees that benefit urban wildlife species by providing food or cover should be incorporated in urban plantings.
- *Urban Forest Policy 8* states that where urban development occurs adjacent to natural plant communities (e.g., oak woodland, riparian forest), landscape planting should incorporate tree species native to the area to the greatest extent feasible.

Specific Development Mitigation Measures Proposed By the Project

The project proposes the following mitigation measures to reduce impacts to biological resources to a less than significant level:

Tree Preservation and Removal

As described above in the *Impacts* section, a detailed site development plan, which that would identify the exact locations of the new buildings, streets and other site changes, has not yet been developed. Therefore, in order to be conservative, this EIR assumes that up to 55 ordinance size trees and up to 2,275 non-ordinance size trees could be removed as part of the project. Tree replacement will be required for the removal of an existing tree. Development on the project site will be subject to mitigation measures and existing General Plan policies and project-specific mitigation measures, including the following:

- Prior to approval of a Planned Development (PD) Permit for any phase of development on the project site, a comprehensive tree survey, which identifies the number of orchard and non-orchard trees on the site, prepared by a certified arborist or licensed landscape architect for the parcel(s) being developed shall be required. The site design and PD Permit approval shall incorporate preservation of existing trees to the maximum extent practicable, to the satisfaction of the Director of Planning, Building, and Code Enforcement (PBCE). In locations where preservation of existing trees is not feasible due to site constraints, relocation and replanting of significant existing trees (especially native species) shall be incorporated into the project, where feasible and appropriate, to the satisfaction of the Director of PBCE.

Trees to be removed as part of the project shall be replaced at the following ratios:

- Ordinance-size trees to be removed shall be replaced at a minimum ratio of 4:1 (4 replaced for each 1 removed) with trees in 24-inch box size, or larger, containers.
- Ordinance-size trees of native species to be removed shall be replaced on the site, at a ratio of 6:1 (six replaced for each one removed) with trees in 24-inch box size, or larger, containers.
- Trees between 12-18 inches in diameter to be removed as part of the project shall be replaced at a ratio of 2:1 with trees in 24-inch box size, or larger, containers.
- Trees less than 12 inches in diameter to be removed as part of the project would be replaced at a ratio of 1:1 with trees in 15-gallon containers.

No mitigation is required for the removal of non-ordinance-size orchard trees, which are considered an agricultural resource not subject to City regulation and not a biologic resource.

- The species and exact number of trees to be planted on the site shall be determined in consultation with the City Arborist and to the satisfaction of the Director of the Department of Planning, Building and Code Enforcement. In the event the developed portion of the project site does not have sufficient area to accommodate the required tree mitigation, one or both of the following measures will be implemented at the PD Permit stage:
 - An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools, or installation of trees on adjacent properties for screening purposes, to the satisfaction of the Director of PBCE.
 - A donation equal to the replacement/installation cost per replacement tree will be made to *Our City Forest* or a similar organization for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. The replacement plan and the per-tree donation amount shall be determined in coordination with the selected organization, to the satisfaction of the Director of Planning, Building, and Code Enforcement. A donation receipt for off-site tree planting will be provided to the Director of Planning, Building, and Code Enforcement prior to removal of the trees.
- The following tree protection measures shall also be included in the project in order to protect trees to be retained during construction:

Pre-construction Treatments

- The applicant shall retain a consultant arborist. The construction superintendent shall meet with the consulting arborist before beginning work to discuss work procedures and tree protection.
- Fence all trees to be retained to completely enclose the tree protection zone prior to demolition, grubbing, or grading. Fences shall be as approved by the consulting arborist and are to remain until all grading and construction is completed.
- Prune trees to be preserved to clean the crown and to provide clearance. All pruning shall be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture.

Recommendations for Tree Protection During Construction

- No grading, construction, demolition or other work shall occur within the tree protection zone. Any modifications must be approved and monitored by the consulting arborist.
- Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the consulting arborist.
- Supplemental irrigation shall be applied as determined by the consulting arborist.
- If injury should occur to any tree during construction, it shall be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied.
- No excess soil, chemicals, debris, equipment, or other materials shall be dumped or stored within the tree protection zone.

- Any additional tree pruning needed for clearance during construction must be performed or supervised by an arborist.
- As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near the trees shall be designed to withstand differential displacement.

A final report on tree protection measures, and the health of the protected trees, shall be submitted to the City's Environmental Principal Planner, and be prepared to the satisfaction of the Director of PBCE, after grading and construction activities have been completed.

Special-Status Animal Species

Nesting Birds/Raptors

Implementation of one of the following two measures shall be required and would reduce impacts to nesting raptors:

- *Avoidance.* Construction shall be scheduled to avoid the nesting season to the extent feasible. In the South San Francisco Bay area, most raptors breed from January through August. If construction can be scheduled to occur between September and December, the nesting season would be avoided, and no impacts to nesting birds/raptors would be expected.

-OR-

- *Preconstruction/Pre-disturbance Surveys.* If it is not feasible to schedule construction between September and December, preconstruction surveys for nesting raptors shall be conducted by a qualified ornithologist to ensure that no active nests will be disturbed or destroyed during project implementation. Preconstruction surveys for nesting birds/raptors should be conducted no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August).

During this survey, the ornithologist would inspect the ground in open fields, as well as all trees in and immediately adjacent to the impact areas for nesting birds and raptor. If an active nest is found close enough to the construction area to be disturbed by these activities, the ornithologist, in consultation with CDFG, would determine the extent of a construction-free buffer zone (typically 250 feet) to be established around the nest.

- *Inhibit Nesting.* If vegetation is to be removed by the project and all necessary approvals have been obtained, potential nesting substrate (e.g., bushes, trees, grass, burrows) that will be removed by the project shall be removed before the start of the nesting season (January), if feasible, to help preclude nesting. Removal of vegetation or structures to be removed by the project shall be completed outside of the nesting season, which extends from January through August.

- A final report on nesting birds and raptors, including any protection measures, shall be submitted to the Environmental Principal Planner, and be completed to the satisfaction of the Director of PBCE prior to start of grading.

Burrowing Owl

Implementation of the following measures shall be required and would reduce impacts to individual burrowing owls:

- Preconstruction surveys shall be conducted, per California Department of Fish and Game (CDFG) guidelines, no more than 30 days prior to the start of site grading. If no burrowing owls are found, then no further mitigation is warranted. If owls are located on or immediately adjacent to the site, a qualified burrowing owl biologist in consultation with CDFG would establish a construction-free buffer zone around the active burrow. No activities, including grading or other construction work, shall proceed until the buffer zone is established, or a CDFG approved relocation of the birds has been performed [such relocations can occur only during the non-reproductive season (September through January)]. Regardless of the time of year when burrowing owls are observed on the site, implementation of one of the following two mitigation measures is required, to the satisfaction of the Director of Planning, Building, and Code Enforcement:
 - If preconstruction surveys confirm that burrowing owls occupy the site, then avoidance of impacts to the habitat utilized by these owls would be considered the preferred mitigation method. In order to effectively avoid habitat utilized by burrowing owls, a buffer distance of 75 meters shall be required during the nesting season (February 1 through August 31). During the non-nesting season, this distance could be reduced to 50 meters. Avoidance would allow the use of areas currently occupied by burrowing owls to continue uninterrupted.
 - If preconstruction surveys determine that burrowing owls occupy the site, and the Director of PBCE finds that avoiding development of occupied areas is not feasible, then the owls may be evicted outside of the breeding season, with the authorization of the California Department of Fish and Game (CDFG). The CDFG typically only allows eviction of Owls outside of the breeding season [only during the non-breeding season (September 1-January 31)] by a qualified ornithologist, and generally requires habitat compensation on off-site mitigation lands.

CDFG guidelines recommend that off-site mitigation lands shall be set-aside at a ratio of 6.5 acres/pair or individual owl (if only an individual is observed). A single, large contiguous mitigation site is preferable to several smaller, separated sites. The mitigation site would preferably support owl nesting and be contiguous with or at least proximal to other lands supporting burrowing owls. Sites in the same region with a long history of burrowing owl use, or that have at least been in a suitable condition for occupancy are preferred. Grazing is compatible with burrowing owl occupancy.

- A final report of Burrowing Owls, including any protection measures, shall be submitted to the Environmental Principal Planner, and completed to the satisfaction of the Director of Planning, Building and Code Enforcement prior to start of grading.

Pallid Bat

Implementation of the following mitigation measures would reduce impacts to Pallid Bats to a less than significant level:

- Construction activities involving potential roost sites shall be conducted after the maternity roost season. The maternity roost season begins as early as March 1 and the young are volant (fly off on their own) by July 31.
- Pre-demolition and pre-construction surveys for roosting bats shall be conducted by a qualified bat biologist after the maternity season and before the wet season (i.e., between August 15 and October 15) and 14 days prior to any removal of buildings or removal of trees greater than 12 inches in diameter. No activities that would result in disturbance to active roosts shall proceed prior to the completed surveys. If no active roosts are found, then no further action shall be warranted. If a maternity roost is present, a qualified bat biologist shall determine the extent of construction-free zones around active nurseries located during surveys. CDFG shall also be notified of any active nurseries within the construction zone.

Initial surveys can be conducted any time prior to the pre-demolition surveys to establish if a particular location has supported, or supports, roosting bats. A survey for indications of nursery roosts would be conducted prior to March 1. If indications of a maternity roost are present, the structure can not be removed or modified before a maternity roost becomes reestablished.

- If indications of a maternity roost are present, bats can be excluded from the building or tree after July 31 and before March 1 to prevent the formation of maternity colonies. Such non-breeding bats can be safely evicted, under the direction of a qualified bat biologist, by sealing crevices and providing them one-way exclusion doors. Such a device would be employed in all expansion joints during dark hours as a temporary device to prevent the formation of a maternity colony. In order not to exclude all potential maternity roost habitat at once, only one half of the expansion joints would be sealed at any one given time during the maternity colony-nesting season. This action would allow bats to leave during dark hours, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight.
- A final report of pallid bats, including any protection measures, shall be submitted to the Director of Planning, Building and Code Enforcement prior to start of grading.

4. Conclusion

With the incorporation of the tree replacement mitigation measures described above, the proposed project would not result in a significant impact to trees. **(Less Than Significant Impact with Mitigation Incorporated)**

The proposed project, with incorporation of the mitigation measures described above, would not result in significant impacts to special-status species. **(Less Than Significant Impact with Mitigation Incorporated)**

As mentioned previously, the project site contains potential burrowing owl habitat. The development of the proposed project would result in the loss of that potential habitat. **(Significant Unavoidable Impact)**

G. CULTURAL RESOURCES

The following discussion is based upon a cultural resources evaluation completed by *Archaeological Resource Management* in May 2002 (File No. AC130-29). The cultural evaluation included an archival study of the cultural resources within the project area and in the vicinity, a survey of the property, and a written report of the findings with appropriate recommendations. Since the report discusses the location of specific archaeological sites, it is considered administratively confidential and is not included in this EIR.

In addition, a historical evaluation report was completed in January 2002 for the existing fruit dehydrator located on the site. The complete historical report is included as Appendix H of this EIR.

1. Setting

Prehistoric Resources

The site is located in an area of San José that is known for having numerous buried archaeological deposits. The region along Coyote Creek has revealed prehistoric material found buried beneath alluvial soils, and the proposed site is located approximately 3,000 feet north of Coyote Creek.

There are no recorded archeological sites or reported cultural resources located within or adjacent to the project area. However, there is one formally recorded archaeological site, CA-SCL-240, located within approximately 0.5 miles southwest of the project site.

Historic Background and Resources

Historical Assessment of the Project Site

The project site was owned by Horace Little in 1876. Little, whose occupation is listed as farmer, came to California from the state of New York in 1853. Mr. Ole Christopher purchased a small portion of the lands within the project area from heirs to the Horace Little estate, in January of 1896. Over the next 35 years, Mr. Christopher purchased additional lands in the area, eventually acquiring over 400 acres of land.

Ole Christopher was born in 1860 on Sjaelland Island, Denmark. Ole grew up in Denmark, worked as a farm laborer during his teenage years, and in 1881, immigrated to the United States. Over the next few years, Ole worked on farms and ranches in Illinois, Iowa, and Minnesota. By 1887, Christopher had arrived in Santa Clara County. Here, Christopher formed a partnership with Mr. John Brown, cutting and selling wood around the Almaden Valley. They later purchased a Petaluma Hay Press, and went into business bailing hay.

In 1891, Christopher married Mary Jessie Hansen. The Christophers leased property in Evergreen, which was used to raise barley and oats. As Christopher began to make money, he purchased 15 acres of land along Little Avenue in 1896. Christopher continued to work the land both in Evergreen and at Little Avenue for several years. In the late 1890's, Christopher constructed a small house on the Little Avenue property and moved his family and several of the workers he employed there.

When the 1906 earthquake caused massive fires in San Francisco, most of the hay in that city burned. Christopher's land in Evergreen has relatively large quantities of hay, and he transported it by train to San Francisco, making a substantial amount of money in the process. Afterwards, he had enough money to purchase additional land, and he bought several other properties on either side of Little Avenue over the next few years. It is these lands that currently contain the project site.

Christopher began planting orchard trees, primarily prunes, drying the fruit on-site and selling them to canning companies. Sun drying was a popular and relatively simple way of producing dried fruit. Small evaporators used for drying apples were one of the earliest devices employed to accelerate the fruit preservation process in California. Portable evaporators became popular among prune producers in Santa Clara Valley in the 1880s, and seem to represent an intermediate stage of dried fruit technology. Capitalizing on the technology of the day, in 1927 Christopher had constructed on his property, the third progressive dehydrator building in the Santa Clara Valley. This type of dehydrator was known as progressive due to a new innovation in its design: the air was blown horizontally across the drying fruit, which made the process faster and more efficient. No information could be found indicating where the two earlier progressive dehydrators in the Santa Clara Valley were originally located.

The Christophers had seven children. Members of the Christopher family held positions in numerous agricultural and social organizations including the Grange, the Danneskjold Danish Society, the Odd Fellows, the Masons, Rotary International, and the Farm Bureau. Ole Christopher was a trustee for Oak Grove Grammar School, and Mary was a founding member and the first president of the Oak Grove Parent-Teacher's Association. One of their children, Albert, was instrumental in the creation of the Santa Clara County Fair in 1941, and continued to hold a position on its board for the next 30 years.

At least two of their grandchildren, Arthur and Don, continued to work in the agricultural industry. Arthur and Don Christopher are the owners of the A & D Christopher Ranch in Gilroy, one of the United States' largest producers and packers of garlic and garlic products.

Historic Resources

The Christopher family built at least four homes on Little Avenue. Ole Christopher's first home on the property was built circa the late 1890s, he built a second larger house on the property in 1911, and subsequent houses were constructed for other family members in the 1930s and 1940s. These homes have since been demolished, although the old dehydrator facility still stands.

In 1966 the orchards were entrusted to Ray and Leland Lester, who continued to cultivate and maintain them. The Lester brothers have worked the lands in this area of San José since 1966. In 1974 the portion of the Christopher property, within the project site, was purchased by International Business Machines (IBM). Members of the Christopher family, as well as other residents, retained the right to live on the property as long as they lived. In 2000, the project site was purchased from IBM by iStar Financial (iStar). Irrigation of the orchard trees was halted by IBM prior to sale to iStar. No fruit is currently being harvested.

Over the decades since the Christopher family started their ranch on Little Avenue, many changes have taken place in the orchard industry in Santa Clara County. In the early days,

every portion of the planting, harvesting, and drying was done by hand and on horseback. The completion of the progressive dehydrator in 1928 made drying fruit faster. The use of tractors and other motorized farming equipment gradually replaced the use of horses. In the 1960's, a tree shaking device was purchased which automated the process of picking the fruit from the trees themselves. However, an overall change in the technological focus of the Bay Area has caused an even more drastic change to the orchard industry. As computers and high technology became the most significant part of the local economy, agriculture moved into the background. Most of the farms, orchards, and canneries, which used to be prominent in the Santa Clara Valley, have closed or been redeveloped. The dehydrator building, thus, illustrates an important phase in the economic development of the Santa Clara Valley, and an industry which has been almost completely replaced by newer forms of development.

A historical evaluation was completed in January 2002 for the structures located on the project site, formerly the Christopher Ranch. The existing structures on site include a fruit dehydrator (1928), warehouse with a cement floor (circa 1944), one warehouse with a wooden floor (circa 1920s-30s), an early twentieth-century cottage, a shed outbuilding, and rails for loading/processing fruit (refer to Figure 6). The fruit dehydrator and other structures were built by Mr. Ole Christopher. The dehydrator was the third progressive dehydrator installed in the Santa Clara Valley and the last one to remain. None of the structures on the site are currently listed on the California Register of Historic Resources, the National Register of Historic Places (NRHP), or the City of San José Historic Resources Inventory.

Historic Evaluation

The existing buildings, storage buildings, a small residential structure, a small workshop, and the fruit dehydrator, were evaluated according to the standards of the City of San José Historic Resources Inventory, the California Register of Historic Resources Criteria, and the National Register Criteria, which are described in more detail below:

City of San José Historic Resources Inventory

The City of San José's Historic Preservation Ordinance defines structures of historic value based on any of the following factors:

1. Identification or association with persons, eras, or events that have contributed to local, regional, state, or national history, heritage, or culture in a distinctive, significant, or important way;
2. Identification as, or association with, a distinctive, significant, or important work or vestige:
 - a. Of an architectural style, design, or method of construction;
 - b. Of a master architect, builder, artist, or craftsman;
 - c. Of high artistic merit;
 - d. The totality of which comprises a distinctive, significant, or important work or vestige whose component parts may lack the same attributes;
 - e. That has yielded or is substantially likely to yield information of value about history, architecture, engineering, culture, or aesthetics, or that provides for existing and future generations an example of the physical surroundings in which past generations lived or worked; or

- f. The factor of age alone does not necessarily confer a special historical, architectural, cultural aesthetic, or engineering significance, value or interest upon a structure or site, but it may have such effect if a more distinctive, significant, or important example thereof no longer exists.

The dehydrator building is not currently listed in the City of San José's Historic Resource Inventory. The dehydrator building received a point score of 79.28 on the City of San José's Historic Resource Evaluation (refer to Appendix G for the tally sheets). This score identifies the dehydrator as a Candidate City Landmark (see to Table 23).

| Table 23 City of San José Historic Resource Inventory Hierarchy of Significance | |
|--|---------------------------------|
| Evaluation Tally Sheet Total | Category of Significance |
| 67-134 | Candidate City Landmark |
| 33-66 | Structure of Merit |
| 33-66 | Contributing Structure |
| 0-32 | Non-Contributing Structure |
| 0-32 | Non-Significant Structure |

California Register of Historic Resources Criteria

Properties that are eligible for listing in the CRHR must meet one of the following criteria:

1. Association with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States;
2. Association with the lives of persons important to local, California, or national history;
3. Embodying the distinctive characteristics of a type, period, region, or method of construction, or representing the work of a master, or possessing high artistic values; or
4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

A property may be automatically listed in the CRHR if it is formally determined eligible for the National Register of Historic Places (NRHP). Properties that are formally determined eligible for the NRHP are those that are designated as such through one of the federal preservation programs administered by the California Office of Historic Preservation (i.e., the National Register, Tax Certification, and Section 106 of the Historic Preservation Act review of federal undertakings).

Due to its connections with the fruit industry and developments in the technology of the fruit industry, its status as, apparently, the last remaining progressive dehydrator in Santa Clara County, and its association with a family of local importance (refer to Appendix H), the fruit dehydrator on the project site may be considered a significant cultural resource and may be eligible for inclusion in the CRHR under criteria 1, 2, and 4 above.

National Register Criteria

The National Register of Historic Places was established to recognize resources associated with the accomplishments of all peoples who have contributed to the country's history and heritage. Guidelines were designed for federal and state agencies in nominating cultural

resources to the National Register. These guidelines are based upon integrity and significance of the resource. Integrity applies to specific items such as location, design, setting, materials, workmanship, feeling, and association. Quality of significance in American history, architecture, archaeology, engineering, and culture is present in resources association, and meet at least one of the following criteria:

1. That are associated with events that have made a significant contribution to broad patterns of our history;
2. That are associated with the lives of persons significant in our past;
3. That embody distinctive characteristics of type, period, or method of construction, or that represent the work of master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction;
4. That have yielded, or likely to yield, information important in prehistory or history.

The progressive dehydrator is not currently listed in the National Register of Historic Places. However, due to the status of the dehydrator as apparently the sole remaining example of its type in Santa Clara County, as well as its association with the Christophers, a family of local historic importance, the structure appears to qualify as potentially eligible for inclusion in the National Register of Historic Places.

2. Cultural Resources Impacts

Thresholds of Significance

For the purpose of this EIR, a cultural resources impact is considered significant if the project would:

- Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5. A resource as defined in Section 15064.5 is:
- A resource listed in, or determined to be eligible by the State Historical Resources Commission for listing in CRHR;
- A resource included in a local register of historical resources or identified as significant by the California Office of Historic Preservation in a historical resource survey meeting the requirements of Section 5024.1 (g) of the Public Resources Code (PRC), unless the preponderance of evidence demonstrates that it is not historically or culturally significant;
- A resource identified as significant in a historical resource survey, unless the preponderance of evidence demonstrates that it is not historically or culturally significant;
- Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided the determination is supported by substantial evidence in light of the whole record (generally, a resource shall be considered to be historically significant if the resource meets the criteria for listing on the CRHR); and/or

- A resource that is determined by a lead agency to be historically or culturally significant even though it does not meet the other four criteria listed above.
 - cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5;
 - directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
 - disturb any human remains, including those interred outside of formal cemeteries.

Prehistoric Resources

The project site is located in an archaeologically sensitive area. There is one recorded archaeological site (CA-SCL-240) approximately one half (0.5) mile south of the site, however, no recorded archaeological sites were identified within the project site. Given the sensitivity of the area, there is a potential for archaeological resources to be discovered during construction activities. Should any archaeological resource be found during grading operations, their disturbance would be a significant impact.

Development under the existing entitlements would have similar impacts to prehistoric resources as the proposed project.

- # **The project site is located within an archaeologically sensitive area and there is a potential to uncover previously unrecorded prehistoric or historic cultural resources during ground disturbing construction activities. (Significant Impact)**

Historic Resources

The existing buildings, storage buildings, a small residential structure, a small workshop, and the fruit dehydrator, were evaluated. None of the existing structures on the site are currently listed on the City of San José's Historic Resource Inventory, the California Register of Historic Resources (CRHR), or the National Register of Historic Places (NRHP). The dehydrator building received a point score of 79.28 on the City's Historic Resource Evaluation. This score identifies the building as a candidate City Landmark. Due to the antiquity and the significance of the dehydrator building, it is also potentially²⁵ eligible for inclusion in the CRHR and the NRHP.

The fruit dehydrator building is eligible as a candidate City Landmark and is potentially eligible for inclusion in the CRHR and the NRHP. The proposed project includes:

- Retention of the fruit dehydrator structure in its present location, and its integration into the design of any future development on the project site, to the satisfaction of the Director of Planning, Building, and Code Enforcement.
- If retention of the dehydrator structure in its present location is not feasible, the fruit dehydrator shall be relocated to an appropriate and publicly accessible location on the property. The relocation must be faithful to all components of the structure,

²⁵ The word "potential" is used in this EIR to describe the existing fruit dehydrator building because the State Historical Resources Commission has not either: 1) listed this resource on the California Register of Historical Resources; nor 2) officially designated this resource as "eligible" for listing in the California Register of Historical Resources (refer to discussion above under *Historic Evaluation*).

including the sub-surface furnace assembly in conformance with Secretary of Interior Standards and to the satisfaction of the director of Planning, Building, and Code Enforcement, in consultation with an architectural historian.

- *Submission of Photo-Documentation:* Submission of three (3) copies of photo-documentation (including the original prints and negatives) of the balance of the fruit dehydrator and associated buildings of the Christopher Ranch, whether Historic American Building Survey (HABS) level or standard 35mm black and white photographic recordation, to the Historic Preservation Officer for approval and distribution to History San José [Attention: Jim Reed, History San José, 1650 Senter Road, San José, CA 95112-2599, (408) 287-2290], the California Room at the Martin Luther King Junior Library [Attention: Bob Johnson, Dr. MLK Jr. Library, California Room, 150 E, San Fernando Street, San José, CA 95112, (408) 808-2136], and the Northwest Information Center at Sonoma State University.

Digital photos may be provided as a supplement to the above photo-documentation, but not in place of it. Digital photography shall be recorded on a CD and shall be submitted with the above documentation. The above shall be accompanied by a transmittal stating that the documentation is submitted in fulfillment of mitigation for the loss of the historic resource which shall be named and the address stated.

The documentation shall be conducted by a qualified consultant meeting the professional qualification standards of the Secretary of Interior's Standards and Guidelines for Archaeology and Historic Preservation.

- *Relocation:* Prior to issuance of Public Works clearance, the associated structures shall be advertised for relocation. A dollar amount equal to the estimate cost of demolition as certified by a licensed contractor shall be offered to the recipient of the building. The project applicant shall provide evidence to the Historic Preservation Officer that an advertisement has been placed in a newspaper of general circulation, posted on a website, and posted at the site for a period of no less than 30 days.
- *Salvage:* Prior to issuance of Public Works Clearance, the associated (non-dehydrator) structures shall be retained and made available for salvage. The project shall coordinate a salvage tour with History San José, Preservation Action Council of San José, Victorian Preservation, and the Historic Landmarks Commission by placing the salvage tour on a Historic Landmarks Commission agenda. Representatives shall tour the site in order to identify elements that warrant salvage for public information or for reuse in other locations. It will be the applicant's responsibility to provide access to the site, including lighting, prior to the removal of any elements from the site, and to facilitate removal and transfer for the identified elements to the above entities. Any elements not identified through this effort for salvage shall be made available to salvage companies facilitating the reuse of historic building materials.
- *Interpretive Display:* With the assistance of a qualified consultant, an interpretive display of historic photography, objects, and materials shall be developed, incorporated into the project site, and made available to the public for viewing.

The interpretive display shall be conducted by a qualified consultant meeting the professional qualification standards of the Secretary of Interior's Standards and Guidelines for Archaeology and Historic Preservation.

As outlined above, the proposed project includes the preservation of the fruit dehydrator building; therefore, the proposed project would not result in significant impacts to historic structures.

The existing entitlements did not specify the retention of the fruit dehydrator building. Therefore, development under the existing entitlements may result in destruction and removal of the fruit dehydrator building, which would constitute a significant impact. In comparison, development under the existing entitlements may result in significant impacts to historic structures, whereas development under the proposed project would not.

- # **The fruit dehydrator building is eligible as a candidate City Landmark and is potentially eligible for inclusion in the CRHR and the NRHP. The project proposes to preserve the fruit dehydrator building, therefore, the proposed project would not result in significant impacts to historic structures. (Less Than Significant Impact)**

3. Mitigation and Avoidance Measures

General Plan Policies

- *Historic, Archaeological and Cultural Resources Policy 1* states that because historically or archaeologically significant sites, structures and districts are irreplaceable resources, their preservation should be a key consideration in the development review process.
- *Historic, Archaeological and Cultural Resources Policy 8* states that for proposed development sites which have been identified as archaeologically sensitive, the City should require investigation during the planning process in order to determine whether valuable archaeological remains may be affected by the project and should also require that appropriate mitigation measures be incorporated into the project design.
- *Historic, Archaeological and Cultural Resources Policy 9* states that recognizing that Native American burials may be encountered at unexpected locations, the City should impose a requirement on all development permits and tentative subdivision maps that upon discovery of such burials during construction, development activity will cease until professional archaeological examination and reburial in an appropriate manner is accomplished.

Specific Development Mitigation Measures Proposed By the Project

The project proposes the following mitigation measures to reduce impacts to prehistoric resources to a less than significant level:

- A qualified archaeologist will be present on site to monitor subsurface construction excavation activities into native soils during future development on the site.
- Construction personnel involved in the site clearing and subsequent grading and trenching shall be warned that there is a potential for the discovery of archaeological materials. Indicators of archaeological site deposits include, but are not limited to, the following: darker than surrounding soils, evidence of fire (ash, fire altered rock and earth, carbon flecks), concentrations of stone, bone and shellfish, artifacts of these materials and burials, either animal or human.
- In the event any unanticipated prehistoric or significant historic era cultural materials are exposed during construction, all grading and/or excavation operations within 50 feet of the find shall be halted, the Director of Planning, Building and Code Enforcement shall be notified, and a qualified professional archaeologist shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. The recommendation shall be implemented and could include collection, recordation, and analysis of any significant cultural materials.
- In the event that human remains and/or cultural materials are found, all project-related construction shall cease within a 50-foot radius of the find in order to proceed with the testing and mitigation measures required. Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:
 - a. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
 - b. A final report shall be submitted to the Director of Planning, Building and Code Enforcement. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusion, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the Director of Planning, Building and Code Enforcement.

4. Conclusion

Implementation of the above mitigation measures would reduce impacts to archaeological resources to a less than significant level. **(Less Than Significant Impact with Mitigation Incorporated)**

The proposed project includes the preservation of the fruit dehydrator and measures to avoid impacts to the other associated buildings located on-site. Therefore, the project would not result in significant impacts to historical resources. **(Less Than Significant Impact)**

H. GEOLOGY AND SOILS

The following discussion of the geologic features, soils, and seismic conditions of the project site is based on the Cooper-Clark *Geotechnical Investigation for the City of San José Sphere of Influence* (1974), the USGS *Generalized Geologic Map* (1975), the County of Santa Clara, Department of Public Works soil map sheet 09N/05E (1964), and an environmental and geotechnical report prepared by *Geomatrix* in 2000.

The environmental and geotechnical report analyzes how the environmental and geologic conditions of the site could potentially affect future development and occupancy of the site. This report is included in Appendix I of this EIR.

1. Setting

Geological Features

The City of San José is located in the eastern portion of Santa Clara Valley. Santa Clara Valley is surrounded by the Santa Cruz Mountains to the west and the Diablo Mountain Range to the east. The slopes of the Santa Cruz Mountains range from 40 to 60 percent with complex ridges that reach an elevation of 2,000 to 3,400 feet. The slopes of the Diablo Mountains consist of parallel ridges that range from 20 to 60 percent in the higher elevations and have a slope range of 20 to 40 percent near the valley floor. The elevation varies from 1,000 to 2,000 feet, in the lower foothills, to 4,300 feet at the highest peak. The geology consists of Franciscan-Knoxville, marine sedimentary rocks, and Pliocene strata. The valley floor consists mostly of Quaternary clay, sand, and gravel with isolated areas of Tertiary volcanic rock.

The project site is located on the Valley floor which was formed in the Holocene period approximately 11,000 years ago by the sediment runoff of the many rivers and streams that entered the Valley from both mountain ranges, creating alluvial fans and flood plains. The Valley floor is mostly flat and the elevation ranges from 150 to 400 feet above sea level. The site elevation is approximately 195 feet above mean sea level. The alluvial fans are diversely defined as moderately to poorly sorted silt and clay rich in organic material containing freshwater and aboriginal artifacts; a potential resource that provides deposits good for agriculture; and a potential hazard for shrink-swell problems and periodic flooding.

Drainage from the valley floor runs mostly north into the San Francisco Bay. The drainage is well developed, yet there are areas where poorly drained soils occur.

On-Site Geologic Conditions

The project site is located approximately 1.4 miles north of the Santa Teresa Hills. The site is approximately 0.6 miles west of Coyote Creek and approximately 0.9 miles northeast of Canoas Creek, both of which flow northward towards San Francisco Bay.

Soils

The site area includes two types of Holocene fluvial deposits: basin deposits and levee deposits. The Basin Deposits are comprised of dark-colored clay and fine silty clay, rich in organic material. Levee Deposits are comprised of sandy and clayey silt ranging from sandy to silty clay. The surface soils on the site consist of Campbell silty clay, which is underlain by Quaternary alluvium. The alluvium in this area consist of unconsolidated to weakly consolidated silt, sand, and gravel, and could be up to 50 meters in thickness.

The soils at the site could exhibit a moderate potential for expansion. Expansive soils shrink and swell as a result of moisture changes. These changes can cause heaving and cracking of slabs-on-grade, pavements, and structures founded on shallow foundations. Because the site topography is flat, there is no erosion or landslide hazard.

Ground water on the property has been recorded at depths between 25 and 30 feet below ground surface. Fluctuations in ground water levels may occur seasonally and over a period of years because of variation in precipitation, temperature, irrigation and other factors. Future landscaping irrigation may cause an overall rise in ground water levels.

Seismicity

San José is within Santa Clara County, which is part of the seismically active San Francisco Bay Area. It is classified as Zone 4, the most seismically active zone in the United States. Three major fault lines in the area are: the Hayward Fault, the San Andreas Fault, and the Calaveras Fault. The Hayward Fault (active segment) is approximately 18.1 miles north of the site, the San Andreas Fault, approximately 11.3 miles southwest of the site, and the Calaveras Fault, approximately 6.3 miles east of the site. Because of the proximity of the site to these faults, any ground shaking, ground failure, or liquefaction due to an earthquake could cause damage to structures.

Liquefaction

Liquefaction is the result of seismic activity and is characterized as the transformation of loosely water-saturated soils from a solid state to a liquid state after ground shaking. There are many variables that contribute to liquefaction including the age of the soil, soil type, soil cohesion, soil density, and ground water level. The sediments left by the Diablo Mountain Range and the Santa Cruz Mountains formed broad alluvial fans during the past 10,000 years resulting in a relatively young valley, which makes it more susceptible to liquefaction.

The project site is located on the boundary of areas subject to possible liquefaction. No significant liquefaction phenomena, however, were observed/recorded in the site vicinity during the 1989 Loma Prieta earthquake. Because the soils on the site are mostly medium-dense to dense and the site water table is relatively deep (34 feet), the potential for liquefaction at the site is low to moderate.

The project site has a high potential for ground failure vertically and a moderately high potential for ground failure laterally.

2. Geology and Soils Impacts

Thresholds of Significance

For the purpose of this EIR, a geologic or seismic impact is considered significant if the project would:

- Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault,
 - strong seismic ground shaking,
 - seismic-related ground failure, including liquefaction, and/or
 - landslides.
- Result in substantial soil erosion or the loss of topsoil;
- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse;
- Be located on expansive soil, as defined in Table 19-1-B of the Uniform Building Code (1994), creating substantial risks to life or property; or
- Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.

Impacts of General Plan Amendment and Specific Development Project

Soils

Due to the flat topography of the site, future development on the project site is not expected to be exposed to slope instability, erosion, or landslide-related hazards. The project site, however, includes moderately expansive soils, which may expand and contract as a result of seasonal or man-made soil moisture conditions. Expansive soil conditions could potentially damage the future buildings and improvements on the site which would represent a significant impact unless substantial damage is avoided by incorporating appropriate engineering into grading and foundations design.

Grading and project construction would result in exposed earth on large portions of the site. Because of the flat nature of the site, however, project construction is not anticipated to result in significant erosion and/or siltation on the site. Refer to Section *II.I. Hydrology and Water Quality* for a discussion of the project's impacts on runoff and water quality, as well as the measures included in the project to mitigate drainage and water quality impacts.

Standard Requirements

The project would be required to be constructed in accordance with the standard engineering practices in the Uniform Building Code. In addition, the City of San José Department of Public Works requires a grading permit to be obtained prior to the issuance of a Public Works Clearance. These standard practices would ensure that future buildings on the site are

designed properly to account for the expansive soils on the site. The presence of expansive soils on the site, therefore, would not represent a significant impact to future development on the site.

Development under the existing entitlements would be exposed to the same geologic hazards as the proposed project.

- **Future development is not expected to be exposed to or cause erosion or landslide hazards, due to the flat topography of the site. Due to the expansion potential of the soils on the site, the project could expose people and structures to significant geological hazards. Implementation of standard engineering practices in the Uniform Building Code and best management practices (BMPs), however, would prevent soils conditions on the site from significantly impacting future development. (Less Than Significant Impact)**

Seismicity and Seismic Hazards

As previously discussed, the project site is located in a seismically active region, and, therefore, strong ground shaking would be expected during the lifetime of the proposed project. While no active faults are known to cross the project site, ground shaking on the site could damage future buildings and other structures, and threaten the welfare of future patrons. The liquefaction potential on the site is low to moderate, and the ground failure potential ranges from moderate to low. A project-specific geotechnical report will be prepared for any future development project. The report will include recommendations to reduce potential seismic impacts through standard design techniques. Incorporation of these measures into project design will reduce seismic hazards and impacts to a less than significant level.

Standard Requirements

The proposed project would be designed and constructed in conformance with the Uniform Building Code guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking and seismic-related hazards, including liquefaction, on the site.

Development under the existing entitlements would be subject to the same seismic hazards as the proposed project.

- **While the project site is subject to strong seismic ground shaking, like the rest of the Bay Area, potential impacts associated with future exposure to future development will be reduced or avoided by conformance with the standards specified in the Uniform Building Code for Seismic Zone 4 and with the recommendations of the geotechnical study required for the specific development project. (Less Than Significant Impact)**

3. Mitigation and Avoidance Measures

General Plan Policies

Soils

- *Soils and Geologic Conditions Policy 1* states the City should require soils and geologic review of development proposals to assess such hazards as potential seismic hazards, surface ruptures, liquefaction, land sliding, mud sliding, erosion, and sedimentation in order to determine if these hazards can be adequately mitigated.
- *Soils and Geologic Conditions Policy 6* states that development in areas subject to soils and geologic hazards should incorporate adequate mitigation measures.
- *Soils and Geologic Conditions Policy 8* states that development proposed within areas of potential geological hazards should not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties.

Seismicity and Seismic Hazards

- *Earthquake Policy 1* states that the City should require that all new buildings be designed and constructed to resist stresses produced by earthquakes.
- *Earthquake Policy 3* states that the City should only approve new development in areas of identified seismic hazard if such hazard can be appropriately mitigated.
- *Earthquake Policy 5* states that the City should continue to require geotechnical studies for development proposals; such studies should determine the actual extent of seismic hazards, optimum location for structures, the advisability of special structural requirements, and the feasibility and desirability of a facility in a specific location.

Specific Development Mitigation Measures Proposed By the Project

As part of the City's evaluation of project design at the subsequent Planned Development Permit stage, the following mitigation measures would be incorporated in the project:

- A design-level geotechnical investigation for the project shall be completed to address the potential geologic hazards previously identified on the site. The investigation shall identify the specific design features that will be required for the project, including site preparation, compaction, trench excavations, foundation and subgrade design, drainage, and pavement design. Field explorations shall concentrate on obtaining engineering parameters of the site soils for determining site specific bearing capacity, settlement, and liquefaction potential. The geotechnical investigation shall be reviewed and approved by the City Public Works Department prior to issuance of a building permit for the project.
- Shallow foundations shall be appropriate for typical one- to two-story structures and some light three-story structures may also be supported on shallow foundations, depending on the loading and location of the building. For structures three stories or

higher, foundation design shall be determined by a design-level geotechnical investigation. A mat foundation or deep foundation such as drilled piers or driven piles may be needed.

- Future roadways and parking areas shall require relatively thick pavement sections or other subgrade improvement measures such as lime treatment and/or imported fill.

4. Conclusion

With implementation of the existing General Plan policies and the standard engineering practices and requirements described above, implementation of the proposed GPA and PD zoning would not result in significant geological impacts. **(Less Than Significant Impact)**

I. HYDROLOGY AND WATER QUALITY

1. Setting

Hydrology and Drainage

The project site is located within the Guadalupe River watershed, which drains an area of 170 square miles in the central and southern portions of San José and adjoining cities and unincorporated areas to the southwest. There are no waterways present on the site. The nearest waterways include Coyote Creek, Canoas Creek, Arroyo Calero Creek, Alamitos Creek, and the Guadalupe River. The depth of groundwater at the project site is between 25 to 30 feet below ground surface (bgs).

Runoff from the project site and the adjacent Equinix property is conveyed to a 24-inch storm drain line located in Great Oaks Boulevard, which has a capacity of approximately 12 cubic feet per second (cfs). The line extends north and connects to a 48-inch storm drain line that collects drainage from east of Monterey Road and flows westerly and southerly in an easement in Brooklyn and Endicott Boulevards, two private streets on the adjacent Hitachi campus. This 48-inch storm drain main joins two other mains, a 42-inch and 54-inch, where Endicott Boulevard terminates at SR 85, approximately 1,500 feet northeast of Via del Oro. These two mains flow to the south, under the freeway in Miyuki Drive to Santa Teresa Boulevard, and ultimately discharging to Canoas Creek. Canoas Creek flows into the Guadalupe River, which eventually flows to the San Francisco Bay. The existing storm drain system has a total capacity of approximately 110 cfs, which is equivalent to a 2-3 year return period storm event.

A small portion of the project site, approximately 19,675 square feet, is developed with several buildings. The remainder of the site consists of roadways, orchard trees, and vacant and undeveloped land. Approximately eight percent of the site is impervious, consisting of buildings and roadways, and approximately 92 percent of the site is pervious (orchards or bare soil). Under existing site conditions, during peak runoff from a 10-year storm event, the project site generated approximately 20 cfs of runoff. During peak runoff from a 100-year storm event, under existing site conditions, approximately 30 cfs of runoff is generated (refer to Appendix J).

Flooding

The project site is not located within a 100-year floodplain.²⁶ According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map,²⁷ the site is located within Zone D, which is defined as an area of undetermined, but possible, flood hazards. The site is not subject to seiche²⁸ or tsunami.²⁹ The nearest areas prone to flooding during a 100-

²⁶ Association of Bay Area Governments. ABAG Geographic Information Systems, Hazard Maps, FEMA Flood Zones. 2003. ABAG. FEMA. 22 June 2005. <http://www.abag.ca.gov/bayarea/eqmaps/eqfloods/floods.html>.

²⁷ Federal Emergency Management Agency. Flood Insurance Rate Map. Community-Panel Number 060349 0044D. 2 August 1982.

²⁸ A seiche is an oscillation of the surface of a lake or landlocked sea varying in period from a few minutes to several hours. Seiches are often generated by small oscillations from earthquakes.

²⁹ Association of Bay Area Governments. ABAG Geographic Information Systems, Hazard Maps, Tsunami Evacuation Planning Map for San Francisco & San Mateo Counties. ABAG. California Office of Emergency Services. 22 June 2005. <http://www.abag.ca.gov/bayarea/eqmaps/tsunami/tsunami.html>.

year storm event are located along the banks of Coyote Creek, approximately one-half mile to the northeast and within the Coyote Creek watershed.

The project site is subject to inundation in the event of failure of Anderson Dam, located approximately 12 miles upstream (to the southeast) on Coyote Creek.³⁰ The dam, however, has been designed and constructed to withstand a maximum credible earthquake of magnitude 8.3 on the San Andreas Fault and 6.9 on the Calaveras Fault. In addition, the dam is inspected twice annually in the presence of regulatory staff from the California Division of Safety of Dams and/or the Federal Energy Regulatory Commission. Therefore, while inundation resulting from dam failure could result in damage to structures and a hazard to people, the probability of such a failure is extremely remote, and therefore, is not considered a significant hazard.³¹

Water Quality

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as “non-point” source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. Storm water runoff from roads is collected by storm drains and discharged into Coyote Creek. The runoff often contains contaminants such as oil and grease, plant and animal debris (e.g., leaves, dust, animal feces, etc.), pesticides, litter, and heavy metals. In sufficient concentration, these pollutants have been found to adversely affect the aquatic habitats to which they drain.

Regulatory Requirements

The federal Clean Water Act requires local municipalities to implement measures to control pollution from their storm sewer systems to the maximum extent practicable. Under auspices of the Clean Water Act, as well as other federal and state legislation since 1990, the San Francisco Regional Water Quality Control Board (RWQCB) has issued and reissued an area-wide National Pollution discharge Elimination System (NPDES MS4) Permit to the 15 co-permittees of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) for the discharge of storm water from urban areas in Santa Clara County. The 15 SCVURPPP co-permittees are the City of San José, twelve other municipalities within the Santa Clara Basin watershed area, the County of Santa Clara, and the Santa Clara Valley Water District.

Under the provisions of the SCVURPPP Permit, each of the co-permittees, including the City of San José, is required to ensure the reduction of pollution discharges from new and redevelopment projects to the maximum extent practicable, through the incorporation of treatment and other appropriate source control and site design measures. SCVURPPP Permit Provision C.3 (New and Redevelopment Performance Standards) further established minimum design criteria and maintenance requirements for such measures in certain types of development projects, including new development and significant redevelopment projects

³⁰ Association of Bay Area Governments. Dam Failure Inundation Hazard Map for SE San José. 20 October 2003. ABAG. State Office of Emergency Services. 22 June 2005. <http://www.abag.ca.gov/cgi-bin/pickdamx.pl>.

³¹ City of San José. Final EIR Lowe's Home Improvement Warehouse Planned Development Rezoning (PDC02-086). December 2003. Page 6.

that result in the addition or replacement of 5,000 square feet or more of impervious surface on an already developed site. Under Provision C.3.f, the co-permittees are also required to develop a Hydromodification Plan (HMP) to describe how new development and redevelopment projects that create one acre or more of impervious surface are to manage increases in the magnitude, volume, and duration of runoff resulting from their project. The purpose of implementing the HMP is to ensure that post project runoff does not exceed estimated pre-project rates, durations, and volumes from the project site (Provision C.3.f.i). The City recently drafted their HMP and it was approved by the City Council on October 18, 2005.

In addition to the SCVURPPP NPDES Permit provisions, all construction projects in the City of San José are regulated by the NPDES General Permit for Storm Water Discharges Associated with Construction Activity (General Permit), which requires the preparation of a Storm Water Pollution Prevention Plan (SWPPP) and the filing of a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) for all projects that disturb an area of one acre or greater.

The City of San José has revised their Post-Construction Urban Runoff Management Policy (Policy 6-29, revised May 17, 2005), which establishes an implementation framework, consistent with SCVURPPP NPDES MS4 Permit requirements, for incorporating storm water runoff pollution control measures into new and redevelopment projects to reduce storm water runoff pollution to the maximum extent practicable.

Policy 6-29 requires all new and redevelopment projects to implement Post-Construction Best Management Practices (BMPs) and Treatment Control Measures (TCMs) to the maximum extent practicable. This Policy also establishes specified design standards for Post-Construction TCMs for major projects and minimum Post-Construction BMPs for all land uses of concern, including expansion projects.

2. Hydrology and Water Quality Impacts

Thresholds of Significance

For the purpose of this EIR, a hydrology and water quality impact is considered significant if the project would:

- Violate any water quality standards or waste discharge requirements;
- Substantially degrade or deplete groundwater resources or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level;
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site;
- Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff;

- Provide substantial additional sources of polluted runoff or otherwise substantially degrade surface or groundwater quality;
- Place within a 100-year flood hazard area structures which would impede or redirect flood flows;
- Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam; or
- Expose people or structures to inundation by seiche, tsunami, or mudflow.

Impacts of General Plan Amendment and Specific Development Project

In accordance with the CEQA Guidelines, this EIR compares the impacts of the proposed project with the physical conditions as they currently exist at the site. As described in *Section I.*, the site is already designated for urban development and the property has entitlements for the development of up to 1.5 million square feet of industrial park uses. Therefore, amending the General Plan would not change the acreage of land planned for urban development.

Hydrology and Drainage

As described above, under existing conditions, approximately eight percent of the site (approximately six acres) is impervious. With implementation of the proposed GPA and PD Zoning project, it is anticipated that the total amount of impervious surface on the site would increase by approximately nine times the existing amount to approximately 76 percent (approximately 56 acres) (refer to Appendix J). Development on the site would increase the amount of impervious surfaces, and therefore, increase the quantity of storm water runoff from the site as compared to existing conditions.

Estimated storm water runoff from the site after development of the proposed project was compared to estimated runoff under existing conditions (refer to Appendix J). Under existing site conditions, during peak runoff from a 10-year storm event, the project site generates approximately 20 cubic feet per second (cfs) of runoff. With the proposed development, peak runoff from a 10-year storm event would increase three times the amount of runoff from the existing site, to approximately 60 cfs (refer to Appendix J). During peak runoff from a 100-year storm event, under existing site conditions, the project site generates approximately 30 cfs of runoff. With the proposed development, peak runoff from a 100-year storm event would increase approximately 2.6 times the amount of runoff from the existing site to 80 cfs (refer to Appendix J).³²

Runoff from the project site is delivered to Canoas Creek, and ultimately to the Guadalupe River and San Francisco Bay, via a 24-inch storm drain in Great Oaks Boulevard, a 42-inch line in Brooklyn Boulevard, and a 54-inch line in Endicott Boulevard. The Hitachi campus, approximately 150 acres of low density residential areas to the northwest and west of the site, and the Equinix property all drain to the same storm drain system. The existing storm drain system is currently not sized to convey runoff from a 10-year event in its tributary area. As mentioned above, the existing storm drain system has a total capacity for a 2-3 year return

³² The amount of surface runoff is determined by many factors, including soil type, existing runoff conditions, time of concentration, in addition to the amount of impervious surfaces. Therefore, the percentage increase in surface runoff is not the same as the percentage increase in impervious surfaces.

period storm event. The proposed increase in impervious surface area resulting from the project would increase peak flow rates, and therefore, exacerbate impacts on the existing storm drain system between the site and Canoas Creek.

Development under existing entitlements would result in similar drainage impacts as the proposed project.

- # **The project would increase storm water runoff from the site above existing conditions, and would exacerbate impacts to existing downstream drainage conditions in the project area. (Significant Impact)**

Flooding

The likelihood that the project could increase flooding in Canoas Creek and the Guadalupe River was evaluated by modifying the rainfall-runoff model used by FEMA in preparing the Flood Insurance Rate Map for San José. The proposed project would result in an increase of approximately 50 acres of impervious surfaces.

The discharge flows for the 10-year and 100-year storm events at several downstream locations in Canoas Creek and Guadalupe River, under existing and post project conditions, are shown in Table 24, below.

| Table 24 Canoas Creek and Guadalupe River Flooding Conditions | | | | | | |
|--|--------------------------------|-----------------|---------------------|---------------------------------|-----------------|---------------------|
| Location | 10-Year Discharge (cfs) | | | 100-Year Discharge (cfs) | | |
| | FEMA | Existing | Post Project | FEMA | Existing | Post Project |
| Canoas Creek at Cottle Road | 480 | 480 | 480 | 510 | 509 | 510 |
| Canoas Creek at Santa Teresa Blvd. | 780 | 779 | 780 | 830 | 826 | 827 |
| Canoas Creek at Blossom Hill Road | 1,320 | 1,319 | 1,319 | 1,400 | 1,399 | 1,400 |
| Canoas Creek at Capitol Expressway | 1,850 | 1,850 | 1,850 | 1,960 | 1,963 | 1,964 |
| Canoas Creek at Guadalupe River* | 1,900 | 1,902 | 1,994 | 1,970 | 2,351 | 2,351 |
| Guadalupe River below Canoas Creek* | 5,500 | 9,191 | 9,193 | 12,800 | 16,509 | 16,510 |
| <i>Note: * Denotes Capacity Restrictions</i> | | | | | | |

As shown in Table 24, the channel capacity restrictions within the Guadalupe River watershed exist with or without the proposed project. Based on calculations of runoff, post-project flows are essentially identical (within 1-2 cfs) to published flows under existing conditions. Therefore, the proposed project would not significantly increase flood flows.

Development under the existing entitlements would result in similar flooding impacts as the proposed project.

The proposed project would not significantly impact flood flows within the Guadalupe River watershed. (Less Than Significant Impact)

Based on FEMA flood insurance rate maps for the City of San José, the site is not within a 100-year flood plain. Therefore, the proposed project would not expose people to significant risk involving flooding.

As mentioned previously, the project site is subject to inundation in the event of failure of Anderson Dam. While inundation resulting from dam failure could result in damage to project structures and a hazard to future residents, the probability of such a failure is extremely remote (refer to discussion under *Setting* above), and therefore, is not considered a significant hazard.

Development under the existing entitlements would be subject to the same flooding and inundation hazards as the proposed project.

As discussed above, the proposed project would not expose people to significant risk of flooding or inundation. (Less Than Significant Impact)

Water Quality

Construction Phase Impacts

Construction of the proposed amount of development, as well as grading and excavation activities, may result in temporary impacts to surface water quality. Project grading and construction activities would affect the water quality of storm water surface runoff. Construction of the project buildings and paving of streets, pathways, and parking lots would also result in a disturbance to the underlying soils, thereby increasing the potential for sedimentation and erosion. When disturbance to underlying soils occurs, the surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system.

Development under the existing entitlements would result in similar construction-related water quality impacts as the proposed project.

- **Construction of the proposed project could cause a significant temporary increase in the amount of contaminants in storm water runoff during construction. (Significant Impact)**

Post-Construction Water Quality Impacts

Overall, the amount of impervious surfaces on the site, such as buildings and open paved areas, would increase by approximately 50 acres. The amount of pollution carried by runoff from buildings and pavement would, therefore, also increase accordingly. The project would increase traffic and human activity on and around the site, generating more pollutants and increasing dust, litter, and other contaminants that would be washed into the storm drain system. The project would therefore generate increases in water quality contaminants which

could be carried downstream in storm water runoff from paved surfaces of the site. Storm water from urban uses contains metals, pesticides, herbicides, and other contaminants such as oil, grease, lead, and animal waste. Runoff from future development on the site may contain oil and grease from parked vehicles, as well as sediment and chemicals (i.e., fertilizers, pesticides, etc.) from the landscaped areas.

Development under the existing entitlements would result in similar post-construction water quality impacts as the proposed project.

- **The project's storm water runoff both during and after construction would contain urban pollutants, such as oil, grease, plastic, and metals that could impact water quality in local drainage systems receiving storm water runoff. The pollutants would occur in higher amounts than currently exist, due to increased development and activity on the site. (Significant Impact)**

3. Mitigation and Avoidance Measures

General Plan Policies

Drainage and Flooding

Future development associated with the proposed GPA would be subject to the City's Flood Hazard Ordinance and existing General Plan policies, including the following:

- *Service and Facilities, Level of Service, Goal 2* states storm drainage must minimize flooding on public streets and storm drainage must minimize property damage from storm water.
- *Services and Facilities, Storm Drainage and Flood Control, Policy 12* states new projects should be designed to minimize potential damage due to storm waters and flooding to the site and other properties.
- *Storm Drainage and Flood Control, Level of Service, Policy 13* encourages new development to be designed to minimize water runoff.
- *Hazards, Flooding, Policy 7* states the City should require new urban development to provide adequate flood control retention facilities.

Water Quality

- *Natural Resources, Water Resources, Policy 8* encourages the City to establish nonpoint source pollution control measures and programs to adequately control the discharge of urban runoff and other pollutants into the city's storm sewers.
- *Natural Resources, Water Resources, Policy 9* encourages the City to take a proactive role in the implementation of the SCVURPPP, as well as implementation of the City's local nonpoint source control and storm water management program.

- *Natural Resources, Water Resources, Policy 10* states that the City should encourage a more efficient use of water by promoting water conservation and the use of water-saving devices.
- *Urban Forest Policy 2* states that development projects should include the preservation of ordinance-sized, and other significant trees. Any adverse effect on the health and longevity of native oaks, ordinance-sized or other significant trees should be avoided through appropriate design measures and construction practices. When tree preservation is not feasible, the project should include appropriate tree replacement.

Specific Development Mitigation Measures Proposed By the Project

The proposed project will be required to utilize structural and nonstructural control measures and management practices to minimize the addition of runoff volume and pollution to the storm water system, and to comply with City Council Policy 6-29, the City's hydromodification management program policies, and the hydromodification management program approved by the Regional Water Quality Control Board (RWQCB).

A conceptual stormwater control plan with hydraulic sizing calculations should be submitted at the Planned Development Zoning stage and an engineer certified Stormwater Control Plan with maintenance schedule must be completed prior to issuance of the Planned Development Permit.

All future development will include post-construction Best Management Practices (BMPs) and HMP requirements based on the detailed site plans. These measures are likely to include on-site infiltration of runoff, first flush diversion, flow attenuation by use of open vegetated swales and natural depressions, storm water retention or detention structures, oil/water separators, porous pavement, tree preservation and plantings, or, a combination of these practices. Justification for the combination of BMPs used on the site will be required from the project proponent/applicant at the time the Planned Development Permit is proposed for any specific on-site development. The proposed BMPs will be required to comply with the NPDES C.3 permit provisions and City Policy 6-29.

The project proposes the following mitigation measures to reduce hydrology, drainage, and water quality impacts to a less than significant level. Implementation of the mitigation measures would result in no net increase in surface runoff from the project site. For this reason, the proposed project would not worsen erosion in Canoas Creek.

Hydrology and Drainage

- BMPs to reduce the volume of runoff from the site, such as detention/retention units or infiltration structures, shall be designed to treat storm water runoff equal to:
 1. the maximized storm water quality capture volume for the area, based on the City of San José precipitation gage with adjustments made directly proportionate to Mean Annual Precipitation, determined using the formula and volume capture coefficients set forth in *Urban Runoff Quality Management, WEF Manual of Practice No. 23/ ASCE Manual of Practice No. 87*, (1998), pages 175-178 (e.g., approximately the 85th percentile 24-hour storm runoff event); or

2. the volume of annual runoff required to achieve 80 percent or more capture, determined in accordance with the methodology set forth in Appendix D of the *California Storm water Best Management Practices Handbook*, (1993), using local rainfall data.
- BMPs designed to increase flow capacity, such as swales, sand filters, or wetlands, shall be sized to treat:
 1. 10% of the 50-year peak flow rate [approximately eight cfs]; or
 2. the flow of runoff produced by a rain event equal to at least two times the 85th percentile hourly rainfall intensity for the applicable area, based on historical records of hourly rainfall depths; or
 3. the flow of runoff resulting from a rain event equal to at least 0.2 inches per hour intensity [approximately 10 cfs].

The selected BMPs must:

4. Address significant erosion potential and sediment control (C.3.a.iv).
 5. Reduce post-development pollutant loads from a site to the maximum extent practicable (C.3.b.i).
 6. Ensure that post-project runoff pollutant levels do not exceed pre-project pollutant levels for projects that discharge directly to listed impaired water bodies under Clean Water Act Section 303(d)(C.3.b.ii).
- Based on the technical procedures and parameters that are described in Appendix J, the approximate size of the on-site percolation/retention basin needed to meet the HMP criteria were calculated for the maximum development proposed by the project. According to preliminary calculations for a hydraulic design, assuming 76 percent impervious surface on the site, the project would be required to detain a water volume size of approximately 19.8 acre-feet. This would require setting aside approximately 4.2 acres (five feet deep), or approximately 24 percent, of the total open space on the site for detention/retention.

Land can be set aside to construct the required basin on-site or the basin can be constructed underground, underneath a parking lot. The exact location and configuration of the required detention basin shall be determined to the satisfaction of the Director of Planning, Building, and Code Enforcement and prior to the issuance of a Planned Development Permit.

- The *Post-Construction Mitigation Measures for Water Quality* described below regarding construction of a detention/retention area or underground storage capable of containing 19.8 acre-feet of water would be sufficient to mitigate the project's increase in runoff.

Water Quality

- Prior to construction of any phase of the project, the City of San José will require that the applicant(s) submit a Storm Water Pollution Prevention Plan (SWPPP) and a Notice of Intent (NOI) to the State of California Water Resource Quality Control Board to control the discharge of storm water pollutants including sediments associated with construction activities. Along with these documents, the applicant may also be required to prepare an Erosion Control Plan. The Erosion Control Plan may include Best Management Practices (BMPs) as specified in the California Storm Water Best Management Practice Handbook for reducing impacts on the City's storm drainage system from construction activities. The SWPPP shall include control measures during the construction period for:
 - Soil stabilization practices
 - Sediment control practices
 - Sediment tracking control practices
 - Wind erosion control practices and
 - Non-storm water management and waste management and disposal control practices.
- Prior to issuance of a grading permit, the applicant will be required to submit copies of the NOI and Erosion Control Plan (if required) to the City Project Engineer, Department of Public Works. The applicant will also be required to maintain a copy of the most current SWPPP on-site and provide a copy to any City representative or inspector on demand.
- Each phase of development will comply with the City of San José Grading Ordinance, including erosion- and dust-control during site preparation, and with the City of San José Zoning Ordinance requirement for keeping adjacent streets free of dirt and mud during construction.
- The project shall comply with Provision C.3 of NPDES Permit Number CAS0299718, which provides enhanced performance standards for the management of storm water for new development. (Refer to *Section I.G. Consistency with Adopted Plans and Policies*, of this EIR, for description of these requirements.)
- Prior to issuance of a Planned Development Permit, each phase of development shall include provision for post-construction structural controls in the project design in compliance with the NPDES C.3 permit provisions, City Council Policy 6-29 and other City policies and ordinances, and shall include Best Management Practices (BMP) for reducing contamination in storm water runoff as permanent features of the project. The specific BMPs to be used in each phase of development will be determined based on design and site-specific considerations and will be determined prior to issuance of Planned Development Permits. Post-construction BMPs and design features could include, but are not limited to, the following:
 - Infiltration basins – shallow impoundments designed to collect and infiltrate storm water into subsurface soils.
 - Infiltration trenches – long, narrow trenches filled with permeable materials designed to collect and infiltrate storm water into subsurface soils.

- Permeable Pavements – permeable hardscape that allows storm water to pass through and infiltrate subsurface soils.
- Vegetated Filter Strips – linear strips of vegetated surface designed to treat surface sheet flow from adjacent surfaces.
- Vegetated Swales – shallow, open channels with vegetated sides and bottom designed to collect, slow, and treat storm water as it is conveyed to downstream discharge point.
- Flow-through Planter Boxes – structures designed to intercept rainfall and slowly drain it through filter media and out of planter.
- Hydromodification Separators – flow through structures with a settling or separation unit that removes sediments and other pollutants.
- Media Filtration Devices – two chamber system including a pretreatment settling basin and a filter bed.
- Green Roofs – vegetated roof systems that retain and filter storm water prior to drainage off building rooftops.
- Wet Vaults – subsurface storage system designed to fill with storm water during larger storm events and slowly release it into the conveyance system over a number of hours.
- New trees planted within 30 feet of impervious surfaces and existing trees kept on a site if the trees' canopies are within 20 feet of impervious surfaces, 100 square feet of Credit may be given for each new deciduous tree, and 200 square feet of Credit may be given for each new evergreen tree. The Credit for existing trees is the square-footage equal to one-half of the existing tree canopy. Nor more than 25 percent of a site's impervious surface can be treated through the use of trees.

The trees selected shall be suitable species for the site conditions and the design intent. Trees should be relatively self-sustaining and long-lived. Protection during construction shall be in the form of minimizing disruption of the root system. Trees required by the City of San José for tree removal mitigation, to fulfill City of San José street tree requirements, or to meet storm water treatment facility planting requirements will not count toward Post-Construction Treatment Control Measure Credit.

Trees approved for Post-Construction TCM Credit shall be maintained and protected on the site after construction and for the life of the development (until any approved redevelopment occurs in the future). During the life of the development, trees approved for Post-Construction TCM Credit shall not be removed without approval from the City. Trees that are removed or die shall be replaced within six (6) months with species approved by the City of San José.

- To protect groundwater from pollutant loading of urban runoff, BMPs which are primarily infiltration devices (such as infiltration trenches and infiltration basins) must meet, at a minimum, the following conditions:
 - Pollution prevention and source control BMPs must also be implemented to protect groundwater;
 - Use of infiltration BMPs cannot cause or contribute to degradation of groundwater;
 - Infiltration BMPs must be adequately maintained;

- Vertical distance from the base of any infiltration device to the seasonal high groundwater mark must be at least 10 feet. In areas of highly porous soils and/or high groundwater table, BMPs should be subject to a higher level of analysis (considering potential for pollutants such as on-site chemical use, level of pretreatment, similar factors);
 - Unless storm water is first treated by non-infiltration means, infiltration devices shall not be recommended for areas of industrial or light industrial activity; areas subject to high vehicular traffic (25,000 or greater average daily traffic trips on main roadway or 15,000 or more average daily traffic trips on any intersecting roadway); automotive repair shops; car washes; fleet storage areas (bus, truck, etc); nurseries; and other land uses and activities considered by the City as high threats to water quality; and
 - Infiltration devices must be located a minimum of 100 feet horizontally from any water supply wells.
- To maintain effectiveness, all storm water treatment facilities shall include long-term maintenance programs.
 - The applicant, their arborist and landscape architects, shall work with the City and the SCVURPPP to select pest resistant plants to minimize pesticide use, as appropriate, and the plant selection will be reflected in the landscape plans included with the PD Permit Plan set for each phase of the project.

4. Conclusion

With the implementation of the mitigation measures above, the proposed GPA and specific development project would not result in significant drainage, flooding, or water quality impacts. **(Less Than Significant Impact with Mitigation Incorporated)**

J. HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based on an environmental and geological report prepared by *Geomatrix* in June 2000, which contains a Phase I environmental site assessment and a Phase II soil and groundwater analysis. The environmental site assessment was completed by *Harding Lawson Associates* in June 1999.³³ The reports were conducted to identify and assess potential sources of hazardous materials at the site and to assess their potential to impact the project. The environmental and geotechnical report also included a regulatory database search for any known or suspected hazardous materials or waste problems on the site or in the vicinity of the site. The complete environmental and geotechnical and the environmental site assessment are included as Appendices I and K of this EIR.

1. Setting

Hazardous materials are commonly used by large institutions, and commercial and industrial businesses. Hazardous materials include a broad range of common substances such as motor oil and fuel, pesticides, detergents, paint, and solvents. A substance may be considered hazardous if, due to its chemical and/or physical properties, it poses a substantial hazard when it is improperly treated, stored, transported, disposed of, or released into the atmosphere in the event of an accident.

The 74-acre project site consists of orchards, agricultural buildings, and vacant land. The western portion of the site is primarily covered with orchards (prune, cherry, apricot, and walnut) and the eastern portion consists of hard compacted dirt. The northwestern corner of the site consists of unoccupied buildings. This portion of the site previously consisted of a contractor's yard, an irrigation pipe storage area, agricultural buildings, and a nursery. According to historical photographs, the site was used for agricultural purposes beginning in 1939. Because the site was used for agriculture for over six decades, there is a potential for hazardous materials, such as pesticides and/or chemicals associated with the repair and maintenance of agricultural equipment as well as maintenance of the property, to be present in the soil.

The San José Fire Department has 10 different zones that are considered wildland urban interface zones due to the proximity to wildland vegetation and the threat for fires during the wildland season (typically May through November) to structures. In addition, the California Department of Forestry identifies areas in the state that are considered "High Fire Severity Zones." The project site is not located in a wildland interface zone or High Fire Severity Zone.³⁴

The project site is not located within the Santa Clara County Airport Land Use Commission (ALUC) jurisdiction, nor is it on one of the City's designated evacuation routes.

³³ Though the reports are over five years old, a recent analysis completed in 2003 for the adjacent Hitachi property did not identify any new hazards or substantial change in activities on-site involving use of hazardous materials. Therefore, an updated analysis was not conducted for the project.

³⁴ Diaz, Juan. "Re: Wildfire susceptibility." E-mail to David J. Powers & Associates, Inc. from the San José Fire Department. 12 September 2005.

Subsurface Features

There is currently a septic system for on of the unoccupied buildings. The septic systems associated with the historic agricultural homesteads are reportedly still in place, however, the specific locations are unknown.

There are no reported active or abandoned underground or above ground storage tanks at the site. Two former underground storage tanks (USTs) and one aboveground storage tank (AST) used to store petroleum products were removed from near the agricultural buildings in 1988. Chemical testing of soil samples taken during removal of these features indicated no significant environmental impacts (refer to Appendix I). Removal was done in accordance with the Regional Water Quality Control Board (RWQCB) and the San José Fire Department guidelines.

There are three irrigation wells present in the immediate vicinity of the project site, although only one is within the boundaries of the project site. The other two are located immediately adjacent to the site near the northeastern corner. In addition to the irrigation wells, there are 13 groundwater monitoring/observation wells in the immediate vicinity of the project site. Seven groundwater wells are within the project site and the other six are along the northern boundary adjacent to the railroad right-of-way.

Potential On-Site Contamination Sources

Database Records Search

A database search was undertaken for the project site in 2000 for the purpose of identifying all sites within one mile where there are known or suspected sources of contamination, as well as sites that handle or store hazardous materials. Federal, state, local, historical, and brownfield databases were searched. The databases searched and the results are presented in Appendix B of this Initial Study. The identification of nearby contaminated or hazardous materials sites is important so that potential land use compatibility and public safety impacts can be avoided and/or mitigated. The project site is not itself listed on any of the hazardous materials databases included in the search.³⁵

Site Observations

The following hazards or potentially hazardous materials were observed on-site:

- One five-gallon bucket that contained an oil type of substance (possibly a lubricant) on the east side of the project site next to what appears to be a turbine for an irrigation well. The container, which was located on a concrete pad, was in good condition with a lid and did not appear to be leaking.
- One aboveground storage tank (AST), located on the east side of the site. The tank, labeled “diesel,” did not appear to be leaking, although there was evidence of use from the hose attached to the bottom of the front side. The ground underneath the tank was not stained and there was no petroleum odor.

³⁵ Environmental Data Resources (EDR). [The EDR-Radius Map with GeoCheck](#). 24 April 2000.

Asbestos and Lead-Based Paint

Surveys for lead and asbestos containing building materials were not conducted. Due to the age of the buildings on the site, however, asbestos and lead-based paint may be present. Asbestos containing materials (ACMs) are of concern because exposure to ACMs has been linked to cancer. The flooring tile present in the labor house may contain asbestos.

Lead-based paint is of concern, both as a source of direct exposure through ingestion of paint chips and as a contributor to lead interior dust and exterior soil. Lead was widely used as a major ingredient in most oil-based paints prior to 1950. In 1978, the Consumer Product Safety Commission banned the use of lead as an additive in paint. Paint coatings associated with the structures may contain lead. Lead present in paint coatings generally does not present a significant risk unless ingested (i.e., in the form of paint flakes).

Polychlorinated Biphenyls

Polychlorinated biphenyls (PCBs) are suspected carcinogens, and are commonly used in electrical transformers, capacitors, and other electrical equipment, including fluorescent light ballasts as a coolant and a dielectric. There are two pole-mounted transformers on the east side of the property. Both transformers are in good condition and neither show evidence of leakage.

Soil and Groundwater Sampling

Soil and groundwater samples were collected from the project site. Samples were taken to analyze site-specific data regarding the presence of chemicals of potential concern (COPC), associated with current and/or historical site use, in soil and groundwater. The concentrations of chemicals in soil and groundwater were compared to established screening criteria [industrial preliminary remediation goals (PRGs), representative background concentrations, hazardous waste criteria, and water quality objectives] to assess whether COPC are present at concentrations that would potentially affect future construction activities and/or site use. Soil samples were collected from six locations and groundwater samples from one location on the site.

Soil Samples

Soil samples were collected from depths based on the potential for chemical impacts (e.g., pesticides and herbicides in shallow soil) and/or depths that would most likely be accessed by future construction and/or maintenance workers as part of site development and use. The soil samples were analyzed for pesticides, herbicides, and metals.

Chemical concentrations in the soil samples were compared to EPA Region 9 Preliminary Remediation Goal (PRG) for industrial land use and metal concentrations were compared to representative background concentrations of metals in soils collected by the Lawrence Berkeley National Laboratory (LBNL, 1995). Additionally, concentrations of metals in soil were compared to total threshold limit concentrations (TTLC) and soluble threshold limit concentrations (STLC), as defined in Title 22 of the California Code of Regulations, to evaluate the potential for soil being disposed of off-site to be classified as a California hazardous waste.

No VOCs, herbicides, polynuclear aromatic hydrocarbons (PNAs), nitrate, or ammonium were detected above identified thresholds in any of the soil samples analyzed. The pesticides detected were dieldrin, endrin, DDT and DDE. All concentrations were less than the respective industrial PRG for each compound and therefore are unlikely to pose a significant risk to human health.

Concentrations of metals in the soil samples were not present at concentrations greater than industrial PRGs, except for arsenic. Concentrations of arsenic were greater than the industrial PRG of 2.7 mg/kg, however, with the exception of surface samples collected within the agricultural buildings area, all concentrations were less than representative background concentration of 19.1 mg/kg (LBNL, 1995). With the exception of one sample, total concentrations of metals in all soil samples were less than hazardous waste screening criteria used in the State of California.

Human Health Screening Evaluation

Potential exposure to elevated concentrations of arsenic in soil in the agricultural building area by future industrial/commercial workers was quantitatively evaluated using maximum concentrations detected at the site and exposure assumptions. Exposure assumptions are described in Appendix K of this EIR. Toxicity criteria, which are based on toxicity assessments conducted by the USEPA, were used to quantify the relationship between increased likelihood and/or severity of adverse effects. The primary exposure pathway contributing to overall risk is due to incidental ingestion of soil.

Groundwater Samples

Groundwater samples were analyzed for chemicals associated with agricultural use, such as pesticides, herbicides, metals, nitrate, and ammonium, and industrial operations associated with adjacent sites.

Concentrations of chemicals detected in groundwater were compared to California-EPA Maximum Contaminate Levels (MCLs) to evaluate if they are present at concentrations of potential environmental concern. If the California-EPA MCL was not available for a certain compound, concentrations were compared to other water quality criteria, such as secondary MCLs or tap water PRGs.

The groundwater samples did not contain VOCs, semi-volatile organic compounds (SVOCs), pesticides, herbicides, or ammonium. Detectable concentrations of arsenic, barium, molybdenum, nickel, selenium, and zinc were found; however, concentrations of these metals were all below water quality criteria.

Concentrations of nitrate ranged from 34 to 100 milligrams per liter (mg/l). The California-maximum concentration level for nitrate in drinking water is 45 mg/l. The comparison to drinking water standards is highly conservative, given that shallow groundwater beneath the site would likely not be used as a drinking water source prior to pre-treatment.

Potential Off-Site Sources of Contamination

The database search indicated eight facilities within one-mile of the site as hazardous materials users. The potential for off-site contamination to impact the site was evaluated based on information in the database records regarding the type of release, current case status, and distance and direction from the site. Of the sites identified, conditions at four of the eight off-site listings could potentially affect environmental conditions at the project site. These four off-site listings are shown on Figure 20 and discussed below.

Hitachi Campus

The adjacent Hitachi campus is located to the west of the project site. Data processing machines and components have been manufactured on the campus since 1956. Soil and groundwater beneath the campus have been impacted with volatile organic compounds (VOCs) associated with industrial waste solvents and the campus is listed on the CORTESE database. The CORTESE database is a hazardous waste and substances sites list. The sites on this list are designated by the State Water Resources Control Board, the Integrated Waste Board, and the Department of Toxic Substances Control. When practical, soils impacted with VOCs were removed and disposed of at a hazardous waste facility. VOCs in groundwater emanating from the Hitachi campus are generally present within the boundaries of the campus or off-site to the northwest. The facility has undergone environmental investigation and remediation activities associated with the release of solvents to groundwater since 1978. Actions directed at the remediation and containment of impacted soil and groundwater include on-site soil vapor extraction (1989-1996), on-site groundwater extraction and treatment (ongoing), off-site groundwater extraction and treatment (1983-1994), and monitoring of on-site and off-site wells (ongoing). Groundwater samples collected from the project site's groundwater monitoring wells do not exhibit concentrations of VOCs greater than regulatory criteria since monitoring activities were initiated in 1983.

Fairchild Semiconductor Corporation

The former Fairchild Semiconductor Corporation facility is located approximately 0.5 miles east of the project site. The Fairchild facility operated as a semiconductor manufacturing plant from 1977 to 1983. In the late 1990s, the facility was demolished and redeveloped into a commercial facility. Soil and groundwater beneath the site have been impacted with industrial waste solvents released from an underground storage tank (UST) containing waste solvents. The UST was removed in 1981 along with the impacted soils. Actions directed at the remediation and containment of VOC impacted soil and groundwater include on-site groundwater extraction and treatment (1982-1998), off-site groundwater extraction and treatment (1982-1991), investigation and sealing of potential conduits and water supply wells (1982-1987), on-site soil vapor extraction (1989-1990), and construction of a slurry wall containment system (1985-1986).

Groundwater extraction was initiated on the Fairchild site in 1982 and continued until 1998. A low permeability containment wall was constructed around the site perimeter to limit the off-site migration of VOCs. A human health risk assessment conducted in the area of the former Fairchild facility indicated that solvents in groundwater or soil would not pose a significant health risk, given the current use of the site and restrictions on site activities.

Figure 20 Potential Off-Site Sources of Contamination

Pacific Gas and Electric Edenvale Service Center

The Pacific Gas and Electric (PG&E) Service Center is located 0.75 miles southeast of the project site. In 1988, three waste oil USTs were removed from the site. Petroleum impacted soil was excavated and tested, and groundwater monitoring wells were installed. Low concentrations of VOCs were detected. Closure of the site was requested in 1991 and closure was granted in 1992.

Candescent Technologies Corporation

Candescent Technologies Corporation is located 0.5 miles to the southeast of the project site. Chemical and waste handling facilities, including an above ground chemical storage area, vaulted chemical pipe lines, a solvent dip tank, a UST waste solvent tank, and an acid neutralization system, were observed on the site. In 1989, a 500-gallon UST containing acetone was removed, reportedly due to a leak. Based on the site's activities, soil samples were collected. No hydrocarbons were detected; however, all soil samples contained low concentrations of VOCs.

Existing High-Pressure Natural Gas Lines

There is a high-pressure gas transmission line located along Monterey Highway to the north of the project site (refer to Figure 21). This gas transmission line is a six-inch main that operates at a pressure of 60 pounds per square inch (psi) near the project site. This line extends north and becomes a 10-inch main that operates at 400 psi.

2. Hazards and Hazardous Materials Impacts

Thresholds of Significance

For the purpose of this EIR, a hazardous materials impact is considered significant if the project would:

- Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials;
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school;
- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment;
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area;
- For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area;
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or

Figure 21 High-Pressure Gas Line Location

- Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

General Plan Amendment and Specific Development Project Impacts

Hazard Impacts from Use, Storage, and Delivery of Hazardous Materials on the Site

The project site currently has entitlements to develop up to approximately 1.5 million square feet of industrial office/R&D uses. The project proposes a GPA and zoning to allow for the development of a mix of industrial and commercial uses on the project site. The development of the proposed project could result in the sensitive commercial land uses in proximity to industrial users who use and/or store hazardous materials. Future development on the site could include the storage and use of large quantities of acutely hazardous materials,³⁶ whose accidental release into the environment could cause off-site impacts.

The development allowed by the proposed PD Rezoning would permit sensitive commercial uses, such as day care centers, schools, medical clinics, and community centers, which could house children, elderly, infirm, and/or developmentally disabled and physically fragile persons. Under the proposed GPA and PD Zoning, these facilities could be located next to industrial uses.

If hazardous materials are released from a storage or use area from future industrial uses on the site near sensitive receptors, the health effects of the release could be significant. Children represent a sensitive population with regard to the risk for adverse health effects from exposure to chemicals. This is due to a number of factors, including their high respiratory rate and lower body weight. In addition to being at greater risk from lesser quantities of chemicals, young children are also more vulnerable because of their lack of independent mobility and inability to respond to emergencies. As a result, children are more susceptible to significant health impacts from releases of chemicals, and require more assistance in getting out of the path of such releases.

Of particular concern are hazardous materials such as gases that can move offsite more quickly and therefore, could have greater potential for significant consequences. Chemicals that may be accidentally released to the air and have the greatest potential to cause health impacts in the event of an accidental release are frequently referred to as “acutely hazardous materials.”³⁷

The City of San José regulates toxic gases and other hazardous materials including the use and storage of toxic gases. Nevertheless, accidental releases of toxic gases can and do occasionally occur in San José, particularly in the event of fires or other upset conditions.

³⁶ Although current law does not refer to “acutely hazardous materials,” the term is still widely used because it defines a set of substances that can have adverse impacts over distance when accidentally released. Acutely hazardous materials possess toxic, reactive, flammable or explosive properties.

³⁷ Ibid.

Even if a hazardous material is accidentally released, it does not necessarily have the potential for causing off-site consequences. Many such substances are only kept in small quantities that make an accidental release unlikely to result in a substantial concentration that would release very far from the source. In the case of certain acutely hazardous materials, however, which are used in Silicon Valley manufacturing processes and are stored in substantial quantities, there is a possibility that an accidental release could result in significant risk to off-site receptors. These substances include arsine, phosphine, ammonia, and others.³⁸

The risk from hazardous materials depends on the amount of substance released, the type of chemical, the wind and temperature conditions, the terrain, and a number of other factors. Without limiting the locations of these hazardous materials and wastes within the site, child care facilities could be built immediately adjacent to industrial businesses which may use hazardous materials.

There does not appear, under current regulations, to be any way that governmental agencies could limit or preclude such a situation from occurring unless the City chooses to restrict the use of acutely hazardous materials under the proposed PD zoning. Under such circumstances, the construction and operation of a child care facility, or other sensitive commercial uses, on the project site could result in the exposure of sensitive receptors to hazardous materials impacts in the event of an accidental release or upset. The use, delivery and storage of hazardous materials on the site would be governed by existing local, state and federal laws.

The site's existing entitlements allow for the development of exclusively industrial uses and would not allow for sensitive uses which are allowed in commercial areas. For this reason, development under the existing entitlements would not expose any sensitive receptors on-site to hazardous materials impacts from accidental release or upset.

- **The construction and operation of a child care or other sensitive commercial uses on the project site could result in the exposure of sensitive receptors to hazardous materials impacts in the event of an accidental release or upset. (Significant Impact)**

Subsurface Features

Septic systems are not currently subject to environmental regulations in the State of California, and these systems should be removed as part of general development activities. Septic systems can be a source of nitrates to the subsurface, however, it is unlikely that these systems contribute a significant amount of nitrates to the subsurface given that they are no longer in use or in the case of the remaining system, used by a limited number of persons.

Because the two former USTs and AST were removed according with the RWQCB and San José Fire Department guidelines, and that no significant chemical contamination was found in the soil samples around the USTs and AST, it is unlikely that any significant environmental concerns associated with the USTs/AST are present or that any further work

³⁸ Ammonia is also a common household chemical. In large quantities, which may be utilized in industrial processes, it can have a significant potential for off-site consequences.

would be required. Documentation of the removal activities, however, was not transmitted to regulatory agencies.

Development under existing entitlements would be subject to the same impacts from the existing septic systems and former USTs and AST as the proposed project.

- # **As discussed above, it is unlikely that the existing septic systems or former USTs and AST would result in significant hazardous material impacts. (Less Than Significant Impact)**

Potential On-Site Sources of Contamination

Asbestos and Lead-Based Paint

ACMs and lead-based paint may be present in the existing buildings on-site. The National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines require that all potentially friable asbestos containing materials be removed prior to building demolition or renovation that may disturb asbestos containing materials (ACMs).

Demolition of buildings that contain lead-based paint may create lead-based dust at concentrations that would expose workers and nearby receptors to potential health risks. State regulations require that air monitoring be performed during and following renovation or demolition activities at sites containing lead-based paint. If the lead-based paint is peeling, flaking, or blistered, it would need to be removed prior to demolition. It is assumed that such paint would become separated from the building components during demolition activities; it must be managed and disposed of as a separate waste stream. If the lead-based paint is still bonded to the building materials, its removal is not required prior to demolition. Currently, the EPA and the U.S. Department of Housing and Urban Development are proposing additional lead-based paint regulations.

Development under the existing entitlements would be subject to the same impacts from asbestos and lead-based paint as the proposed project.

The project proposes to conform with the following regulatory programs and to implement the following standard measures to reduce potential impacts due to the presence of ACMs and/or lead-based paint to a less than significant level:

Standard Requirements

A formal survey for ACMs and lead-based paint shall be conducted prior to demolition of site structures.

Requirements outlined by Cal/OSHA Lead in Construction Standard, Title 8, CCR 1532.1 shall be followed during demolition activities, including employee training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coating shall be disposed of at landfills that meet acceptance criteria for the waste being disposed.

All potentially friable ACMs shall be removed in accordance with NESHAP guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities shall be undertaken in accordance with OSHA standards contained in Title 8 of the CCR,

Section 1529, to protect workers from exposure to asbestos. Specific measures could include air monitoring during demolition and the use of vacuum extraction for asbestos-containing materials.

A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site.

Materials containing more than one percent (1%) asbestos are also subject to BAAQMD regulations. Removal of materials containing more than one (1) percent asbestos shall be completed in accordance with BAAQMD requirements.

- # **Demolition of the buildings on-site could expose construction workers or nearby receptors to harmful levels of ACMs or lead. The project proposes to conform with the above standard requirements in order to reduce impacts related to ACMs and lead-based paint to a less than significant level. (Less Than Significant Impact)**

Soil Samples and Human Health Screening Evaluation

As mentioned previously, the pesticides detected in soil samples were all at concentrations below the respective industrial PRG for each compound. The metal concentrations in the soil samples were not present at concentrations greater than industrial PRGs, representative background concentrations, or hazardous waste screening criteria used in the State of California, with the exception of arsenic.

Arsenic levels in soil samples taken within the agricultural building area are above acceptable background concentrations. Based on the results of the screening health risk evaluation however, it is anticipated that concentrations of arsenic would not result in an unacceptable health risk to future construction/maintenance workers working below the ground surface, or future industrial/commercial workers occupying the property.

Development under existing entitlements would be subject to the same impacts from the presence of arsenic as the proposed project.

- # **The human health risk evaluation concluded that the elevated levels of arsenic found in soil samples within the agricultural building area do not pose a health risk to future construction, maintenance, or industrial/commercial workers. (Less Than Significant Impact)**

Groundwater Samples

Concentrations of arsenic, barium, molybdenum, nickel, selenium and zinc were detected in groundwater samples at the site. Concentrations of these metals, however, were all below water quality criteria. Concentrations of nitrates in the groundwater samples were above the maximum California-maximum concentration level for drinking water. Since the groundwater beneath the site is shallow and would not likely be used for drinking water prior to pretreatment, remediation is not required. For these reasons, the metal and nitrate concentrations in the groundwater would not result in significant impacts to future development on the site.

Development under the existing entitlements would be subject to the same impacts from the presence of nitrite in the groundwater as the proposed project.

- # **Concentrations of metals, except for nitrates, in the groundwater are below water quality criteria. Since the groundwater on-site is not proposed to be used for drinking water, it is unlikely that concentrations of nitrate would pose a significant impact. (Less Than Significant Impact)**

Potential Off-Site Sources of Contamination

Hitachi Campus

Actions toward remediation and containment of VOCs impacted soil and groundwater have taken place on this property since the 1980's. Groundwater remediation and monitoring are ongoing. Because the groundwater generally flows west, and the project site is east of the Hitachi campus, and given the fact that groundwater samples have not exhibited concentrations of VOCs greater than regulatory criteria since monitoring activities were initiated, it is unlikely that significant concentrations of contaminants (i.e., greater than regulatory criteria) will migrate beneath the project site.

Development under the existing entitlements would be subject to the same impacts from the presence of VOCs as the proposed project.

- # **Due to the remedial actions taken at the Hitachi Campus, the direction of the groundwater flow, and the location of the project site in relation to the Hitachi Campus, it is unlikely that VOC contaminated groundwater would impact the project site. (Less Than Significant Impact)**

Fairchild Semiconductor Corporation

Actions toward remediation and containment of VOC impacted soil and groundwater has taken place. The direction of groundwater flow at the Fairchild site was documented to be towards the southwest. The project site is located to the northwest of the Fairchild facility. Given the directional flow of the groundwater and the remediation/containment measures taken at this site, it is unlikely that VOCs emanating from the former Fairchild site, if any, would significantly degrade groundwater quality at the project site.

Development under the existing entitlements would be subject to the same impacts from VOCs as the proposed project.

- # **Due to the remedial actions taken at the former Fairchild Semiconductor Corporation site, the direction of the groundwater flow, and the location of the project site in relation to the Fairchild site, it is unlikely that VOC contaminated groundwater would impact the project site. (Less Than Significant Impact)**

Pacific Gas and Electric Edenvale Service Center

The groundwater generally flows in a westerly direction and the project site is located to the northwest of the PG&E center, therefore, the groundwater from the PG&E site would not flow directly under the project site. Based on the case closure status, the distance, and the

service center's cross gradient orientation to the project site, it is unlikely that impacted groundwater from this property will migrate onto the project site.

Development under the existing entitlements would be subject to the same impacts from the PG&E Service Center as the proposed project.

- # **Due to the case closure of this site, the direction of the groundwater flow, and the location of the project site in relation to the PG&E Service Center, it is unlikely that petroleum impacted groundwater would impact the project site. (Less Than Significant Impact)**

Impacts from Presence of High-Pressure Gas Lines

The project does not propose to move any of the existing high-pressure gas lines present in Monterey Road. The City of San José, however, has guidelines, entitled "Development Guidelines for Land in Proximity to High-Pressure Natural Gas Pipelines" (1986), that relate to development in proximity to high-pressure natural gas pipelines. These guidelines were developed after analysis and evaluation by the Department of Planning (now Planning, Building and Code Enforcement) and the Fire Department of the hazards and risks of locating new development near such gas pipelines. The guidelines state that only buildings that have a "low-density occupancy load" should be allowed within 250 feet of the edge of the pipeline right-of-way. Buildings assumed to have a low-density occupancy load are defined as single and multiple family dwellings, offices, industrial buildings, hotels/motels, parking garages and retail stores which are not a part of a shopping mall. No building of more than two stories should be allowed within 250 feet of the edge of the right-of-way. Figure 21 shows the locations of the high-pressure gas lines and the areas of the site and the proposed development that fall within 250 feet of the gas line right-of-way.

Construction of buildings that do not meet the definition of low-density occupancy load, or those proposed to be greater than two stories in height may be allowed within the 250 foot setback by working with the City Fire Department and PBCE to identify and mitigate the possible risks of the development. This would involve the inclusion of design measures, such as reinforced walls and blast-proof glass, in the structures' design.

Because the project proposes buildings of two or more stories within the 250 foot setback, the project could result in safety hazards associated with the high-pressure gas lines.

Development under the existing entitlements would be subject to the same impact from the existing high-pressure gas line in Monterey Road as the proposed project.

- **Because the project proposes buildings of two or more stories within the 250 foot setback, the project could result in safety hazards associated with the presence of high-pressure gas lines near the site. (Significant Impact)**

3. **Mitigation and Avoidance Measures**

General Plan Policies

- *Urban Design Policy 1* states that the City should continue to apply strong architectural and site design controls on all types of development for the protection and development of neighborhood character and for the proper transition between areas with different types of land uses.
- *Urban Design Policy 8* states that design solutions should be considered in the development review process which addresses security, aesthetics and public safety. Public safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum road widths and other standards set forth in relevant City Codes. All development projects should comply with the safety standards established in these referenced codes, and other properties.
- *Urban Design Policy 21* states that to promote safety and to minimize noise impacts in residential and working environments, development which is proposed adjacent to railroad lines should be designed to provide the maximum separation between the rail line and dwelling units, yards or common open space areas, offices and other job locations, facilities for the storage of toxic or explosive materials and the like. To the extent possible, areas of development closest to an adjacent railroad line should be devoted to parking lots, public streets, peripheral landscaping, the storage of nonhazardous materials and so forth. In industrial facilities, where the primary function is the production, processing or storage of hazardous materials, development should follow the setback guidelines and other protective measures called for in the City's Industrial Design Guidelines when such facilities are to be located adjacent to or near a main railroad line.
- *Urban Design Policy 27* states that child care facilities should be considered in the design of transit oriented projects and mixed use projects that are suitably located for such facilities.
- *Hazard Policy 1* states that development should only be permitted in those areas where potential danger to the health, safety, and welfare of the residents of the community can be mitigated to an acceptable level.
- *Hazard Policy 2* states that levels of "acceptable exposure to risk" established for land uses and structures based on descriptions of land use groups and risk exposure levels are outlined in Figure 15, "Acceptable Exposure to Risk Related to Various Land Uses", in the General Plan and should be considered in the development review process.
- *Hazard Policy 4* states that the City should continue updating, as necessary, the San José Building Code and Fire Prevention Code to address geologic, fire and other hazards.

- *Hazard Policy 6* states that disaster preparedness planning should be undertaken in cooperation with other public agencies and appropriate public interest organizations.
- *Fire Hazard Policy 2* states that all new development should be constructed, at a minimum, to the fire safety standards contained in the San José Building Code.
- *Fire Hazard Policy 3* states that new development adjacent to heavily grassed and semi-arid hillsides should be designed and located to minimize fire hazards to life and property, including the use of such measures as fire preventative site design, landscaping and building materials, and the use of fire suppression techniques, such as sprinklering.
- *Fire Hazard Policy 4* states that alternative water resources for fire fighting purposes should be identified for use during a disaster.
- *Fire Hazard Policy 5* states that anticipated fire response times and fire flows should be taken into consideration as a part of the Development Review process.
- *Fire Hazard Policy 6* states that new development should provide adequate access for emergency vehicles, particularly fire fighting equipment, as well as provide secure evacuation routes for the inhabitants of the area.
- *Fire Hazard Policy 7* states that the City should regulate the storage of flammable and explosive materials and strongly encourage the proper transportation of such materials.
- *Hazardous Materials Policy 1* states that the City should require proper storage and disposal of hazardous materials to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal.
- *Hazardous Materials Policy 3* states that the City should incorporate soil and groundwater contamination analysis within the environmental review process for development proposals. When contamination is present on a site, the City should report this information to the appropriate agencies that regulate the cleanup of toxic contamination.
- *Hazardous Waste Management Policy 1* states that all proposals to site a hazardous waste management facility shall assure compatibility with neighboring land uses and be consistent with the siting criteria established in the County Hazardous Waste Management Plan (CHWMP) and this Plan. Where the two conflict, this Plan shall govern.
- *Hazardous Waste Management Policy 2* states that areas designated for industrial uses may be appropriate for hazardous waste transfer/processing stations if, during the development review process, it is determined that such a use would be compatible with existing and planned land uses in the vicinity of the site and would meet the siting criteria established in the CHWMP and this Plan.

- *Hazardous Waste Management Policy 3* states that all proposals for new and expanded hazardous waste management facilities must provide adequate mitigation for identified environmental impacts.
- *Hazardous Waste Management Policy 4* states that a risk assessment shall be conducted as part of the environmental review process at the time a site-specific proposal for a hazardous waste facility is submitted to the City. This assessment should identify health, safety and environmental factors that may be unique to the site as well as to the types of waste to be managed. It should include an analysis of the potential for accidental and cumulative health and environmental impacts resulting from the proposed facility.
- *Hazardous Waste Management Policy 5* states that all proposals for hazardous waste facilities shall be consistent with the plans and policies of air and water quality regulatory agencies (i.e., Air Quality Management District, and the Regional Water Quality Control Board and this City).
- *Hazardous Waste Management Policy 6* states that transportation of hazardous waste from the point of origin to the appropriate hazardous waste management facility shall be by the most direct legal route, utilizing state or interstate highways whenever feasible, and shall minimize distances along residential and other non-industrial frontages to the fullest extent possible.
- *Hazardous Waste Management Policy 7* states that as part of the permitting process, transportation routes to and from hazardous waste facilities shall be designated by the City in order to minimize negative impacts on surrounding land uses.
- *Hazardous Waste Management Policy 8* states that hazardous waste management facilities shall, where feasible, be located at sites which minimize the risks associated with the transportation of hazardous waste. Given their need for larger land areas and need to avoid incompatibility with surrounding urban land uses, residuals repositories (waste disposal facilities) may be located farther from waste generation sources than other types of hazardous waste facilities.
- *Hazardous Waste Management Policy 9* states that proper storage and disposal of hazardous wastes shall be required to prevent leaks, explosions, fires, or the escape of harmful gases, and to prevent hazardous substances and wastes.

Specific Development Mitigation Measures Proposed By the Project

Hazard Impacts from Use, Storage, and Delivery of Hazardous Materials on the Site

In order to reduce potential hazardous material impacts to sensitive uses, the project would implement either measures 1 and 2 or measures 3 and 4 below.

1. Any sensitive commercial uses, such as day care centers, schools, medical clinics, and community centers, shall be required to be located at least 1,000 feet from any hazardous materials use or storage facility, or any site that could be used for such a facility, such as the following:

- Hazardous materials meeting the California Occupational Health and Safety Administration’s (Cal/OSHA) definition of a material that presents a potential for catastrophic event;
- Chemicals that have a National Fire Protection Agency (NFPA) or a Hazardous Materials Identification System (HMIS) rating of two or greater for flammability, health, reactivity, and fire; and
- Underground storage tanks (USTs) or aboveground storage tanks (ASTs) that store hazardous materials.

If the safety and health objectives of the 1,000-foot separation requirement can be achieved to the satisfaction of the Director of Planning, Building, and Code Enforcement through an alternative combination of site design, building orientation, construction techniques, or other similar methods, then a lesser separation may be approved through issuance of a Planned Development Permit.

-AND-

2. Sensitive commercial uses shall be required to prepare and implement an emergency response plan for responding to circumstances that include the accidental release of hazardous materials. This plan could include designation of responsible persons, regular drills, and the identification of a “shelter in place” response that includes keeping all persons indoors, shutting windows, and shutting down air circulation systems.

-OR-

3. To ensure that hazardous materials impacts are minimized, the following types of hazardous materials shall be restricted from use on-site:
 - Toxic and highly toxic compressed gases;
 - Class 4 liquid and solid oxidizers
 - Unclassified detonatable and Class I organic peroxides;
 - Unstable reactive materials; and
 - Flammable oxidizing gases.

-AND-

4. Industrial uses on the site shall record a deed restriction that precludes the storage and/or use of acutely hazardous materials³⁹ on the project site in amounts that could lead to significant off-site consequences (substantial human health and safety risks from exposure/inhalation/explosion) in the event of an accidental release or upset, for as long as any day care centers or other centers vulnerable populations are operational.

The project proposes to implement the recommendations in the environmental and geotechnical investigation, including the following mitigation measures, to avoid or reduce hazardous materials impacts to a less than significant level:

³⁹ Although current law does not refer to “acutely hazardous materials,” the term is still widely used because it defines a set of substances that can have adverse impacts over distance when accidentally released. Acutely hazardous materials possess toxic, reactive, flammable or explosive properties.

Subsurface Features

- Prior to site development, former regulatory closure shall be obtained for the removal of the two former USTs and AST.
- If encountered during site development, septic systems shall be removed.

Impacts from Arsenic

- The potential risks associated with incidental ingestion of the contaminated soil shall be avoided or reduced by site management practices and engineering controls that limit/eliminate future short term and long-term contact with soil containing elevated concentrations of arsenic to the satisfaction of the Department of Toxic Substances Control (DTSC). These practices may include soil removal, engineering controls (e.g., dust control during construction and/or the placement of asphalt/concrete cover as part of development).

Site specific management practices shall be documented in a Site Management Plan, which would be based on actual development specifications. Regulatory agencies (e.g., DTSC) may require that this restriction be included as part of the Site Management Plan.

Impacts from Presence of High-Pressure Gas Lines

- Proposed structures more than two stories in height to be located within 250 feet of nearby high-pressure gas lines shall include and incorporate appropriate design features (i.e., reinforced walls, blast-proof glass, etc.) to reduce safety impacts. Such features may include:
 - Locating doors and windows such that they do not directly face the pipeline;
 - Selecting thermally tempered glazing for doors and windows;
 - Increasing the thickness of such glazing;
 - Strengthening the framing around doors and windows;
 - Increasing the structural integrity of the wall and roof systems by using a larger framing wood system; and
 - Using reinforced concrete or masonry construction materials.

The specific design features to be included in the structures shall be selected prior to issuance of PD Permit(s) through consultation with an engineer retained by the project proponent with experience in identifying and analyzing a building's response to an explosive threat due to an accidental explosion occurring with gas discharge from high-pressure gas main. The measures to be incorporated into the structures shall be approved by the Director of PBCE and the Fire Chief.

- Any proposed grading and excavation activities in the vicinity of the gas lines shall conform to PG&E's requirements.

4. Conclusion

The proposed project, with the implementation of the recommendations made in the environmental and geotechnical investigation and the above mitigation measures, would not result in significant hazardous materials impacts. **(Less Than Significant Impact with Mitigation Incorporated)**

K. UTILITIES AND SERVICE SYSTEMS

1. Setting

Water Service

Water service to the project area is supplied by the Great Oaks Water Company. Great Oaks Water Company, a retailer supplied by the Santa Clara Valley Water District, has provided public utility service to portions of the Blossom Valley-Santa Teresa-Edenvale-Coyote Valley area of the City of San José since the early 1960s. Great Oaks Water Company serves over 20,000 customers. Great Oaks has access to two water sources for distribution: groundwater and treated surface water. These supplies are both managed by the Santa Clara Valley Water District (SCVWD), including management of groundwater through groundwater recharge using imported and local surface water supplies. All of the water used in Great Oaks' system is supplied from groundwater wells. Great Oaks does not use SCVWD treated water through surface connections, however, two connections are available if the need should arise.⁴⁰

Great Oaks currently obtains approximately 13,000 acre-feet per year (AFY) from 16 wells within the Santa Teresa sub-basin, with an average depth of 300 feet. The Santa Teresa sub-basin is managed by the SCVWD and is replenished by local surface water and imported surface water supplies through percolation and recharge operations conducted by the SCVWD (*Great Oaks Water Company 2005 Urban Water Management Plan*, April 2005).⁴¹ Great Oaks Water Company used a total of 10,685 acre feet of water in 1995, 13,048 in 2000, and 12,924 in 2004 (*Great Oaks Water Company 2005 Urban Water Management Plan*, April 2005).

Currently, there are no existing water lines serving the site; however, there is 12-inch water line in Great Oaks Boulevard and Tuscon Way.⁴² There is a 12-inch water line north of adjacent Equinix Colocation facility that comes under Monterey Highway and connects to the 12-inch water line in Great Oaks Boulevard. There is also a 12-inch water line in Via del Oro, on the west side of SR 85, however, this line does not go under the SR 85 in Via del Oro.

Currently, there is no activity on the site. Therefore, there is no water being used on-site.

Wastewater Treatment/Sanitary Sewer

Water Pollution Control Plan (WPCP)

Wastewater treatment service in the project area is provided by the City of San José through the San José/Santa Clara Water Pollution Control Plant (WPCP). The WPCP is located in Alviso and serves over 1,500,000 people in San José, Santa Clara, Milpitas, Campbell, Cupertino, Los Gatos, Saratoga, and Monte Sereno.

⁴⁰ Roeder, John. *Great Oaks Water Company*. Written communications. 2005.

⁴¹ This document is available for review at Great Oaks Water Company's office.

⁴² Schaaf & Wheeler. *Plan for the Water Service Installation Great Oaks Blvd.* Map. 24 May 2002.

George S. Nolte and Associates. *Plan for the Water Service Installation IBM 099.* Map. 1 May 1985.

The City's level of service goal for sewage treatment is to remain within the capacity of the WPCP. The existing capacity of the WPCP is 167 million gallons per day (mgd) during dry weather flow.⁴³ There is no anticipated increase in capacity planned for the next 10 to 15 years. In 2004, WPCP currently processes an estimated 97 mgd of influent (dry weather peak).⁴⁴ The average dry weather influent flow (or peak week flow) is determined as a highest average flow during any five-weekday period between the months of May through October.

In 2004, the WPCP's average dry weather effluent of 97 mgd was below the 120 mgd (dry weather) total flow trigger imposed by the State Water Resources Board and the Regional Water Quality Control Board (RWQCB).⁴⁵ The flow trigger was implemented due to concerns over the effects of additional freshwater discharges from the WPCP. In response to these issues, the City of San José has prepared the South Bay Action Plan, to prevent degradation of the salt water marshland habitat and study the discharge of metals from the WPCP in excess of RWQCB standards. The South Bay Action Plan describes in some detail the conservation, reuse, and diversion activities designed to reduce the effluent flow from the WPCP to below 120 mgd.

In addition, a Clean Bay Strategy has been developed by the City of San José and the agencies tributary to the WPCP, to address water conservation and the pollutant loading to the Bay. The Clean Bay Strategy has identified numerous programs and projects in the areas of increased education and awareness, pollutant source detection, and greater regulatory requirements to reduce pollutant levels. The imposition of additional regulatory requirements as a result of the flow trigger has not yet occurred due to the City's good faith efforts in implementation of the Clean Bay Strategy. The RWQCB, however, may require additional control measures to be implemented at any time it deems necessary.

Existing Sanitary Sewer Lines

The San José 2020 General Plan calls for a level of service (LOS) D for sanitary sewer lines, which represents a free flow of wastewater sufficient to prevent "back up" problems. New development is required by existing policies to avoid or minimize impacts upon any existing or anticipated LOS E sewer lines by constructing or contributing to the construction of new lines or by waiting for completion of planned sewer lines improvements.

The sanitary sewer lines in the area are owned and maintained by the City of San José. Sewer lines are inspected and maintained by the Department of Transportation, and are rehabilitated or replaced by the Department of Public Works. There is a 12-inch sewer line in Great Oaks Boulevard and a 10-inch sewer line in Via del Oro. There is also a 21-inch sewer line in an easement across the Hitachi property, flowing south under SR 85.

Currently, there is no activity on the site. Therefore, the project site generates no sewage.

⁴³ City of San José. San José/Santa Clara Water Pollution Control Plant. City of San José Environmental Services. 13 April 2005. <http://www.ci.san-jose.ca.us/esd/wpcp.htm>.

⁴⁴ Blair, Geoff. Memo from the City of San José Environmental Services Department. 4 November 2005.

⁴⁵ City of San José. Clean Bay Strategy Reports. 9 April 2005. City of San José Environmental Services. 12 September 2005. <http://www.sanjoseca.gov/esd/water-pollution-prevention/cbs.htm>.

Planned Improvements to Public Sanitary Sewer Lines in the Area

In late 2004 and early 2005, the City constructed a public improvement project to rehabilitate approximately 7,100 linear feet of existing 30-inch sewer lines in Bangor Avenue, Beswick Drive, Cottle Road, and Santa Teresa Boulevard, adjacent to the project site. This Monterey-Riverside Sanitary Sewer Phase IV project will rehabilitate the existing sanitary sewer trunk line with a cured-in-place liner to prolong the life of the sewer pipe.⁴⁶

Storm Drainage Systems

The San José 2020 General Plan level of service policy for storm drainage in the City is to minimize flooding on public streets and to minimize property damage from storm water. The City of San José owns and maintains municipal storm drainage facilities throughout the City. Storm drain lines are inspected and maintained by the Department of Transportation and are installed, rehabilitated, or replaced by the Department of Public Works.

The site is relatively level, sloping generally from east to west. Currently, eight percent of the project site is impervious, principally consisting of buildings and roadways. The remaining 92 percent of the site is pervious, consisting of orchards and bare ground. Under existing site conditions, during peak runoff from a 10-year storm event, the project site generates approximately 20 cfs of runoff. During peak runoff from a 100-year storm event, the project site generates approximately 30 cfs of runoff (refer to Appendix J).

Storm drainage lines in the area are also provided and maintained by the City of San José. Runoff from the project site and the adjacent Equinix property is conveyed to a 24-inch storm drain line located in Great Oaks Boulevard, which has a capacity of approximately 12 cubic feet per second (cfs). The line extends north and connects to a 48-inch storm drain line that collects drainage from east of Monterey Road and flows westerly and southerly in an easement in Brooklyn and Endicott Boulevards, two private streets on the adjacent Hitachi campus. This 48-inch storm drain main joins two other mains, a 42-inch and 54-inch, where Endicott Boulevard terminates at SR 85, approximately 1,500 feet northeast of Via del Oro. These two mains flow to the south, under the freeway in Miyuki Drive to Santa Teresa Boulevard, and ultimately discharging to Canoas Creek. Canoas Creek flows into the Guadalupe River, which eventually flows to the San Francisco Bay. The existing storm drain system has a total capacity of approximately 110 cfs, which is equivalent to a 2-3 year return period storm event.

Solid Waste

Assembly Bill 939 established the California Integrated Waste Management Board and required all California counties to prepare integrated waste management plans. AB939 also required all municipalities to divert 25 percent of their solid waste from landfill disposal by January 1, 1995. Fifty percent of the waste stream was to be diverted by the year 2000. The City of San José currently generates approximately 1,695,000 tons of solid waste annually, and diverts about 59 percent of its waste streams through a variety of waste diversion programs including curbside recycling and yard waste collection. In order for the City to maintain the 59% diversion rates, at least 333,291 pounds of waste need to be recycled.

⁴⁶ City of San José. 17 January 2005. www.sanjoseca.gov/pub_wks/cip/PrjDetail.asp?prj_id=17498count.13.

Solid waste and recycling collection services for businesses in San José are provided by various franchised waste and recycling haulers. The City of San José offers businesses a free market system for garbage and recycling and businesses can choose a hauler and/or recycler that best suits the needs of their business. Non-residential waste may be disposed at any of four privately owned landfills in San José, or at other landfills outside the County. According to the Source Reduction and Recycling Element prepared for the City of San José, and the County-wide Integrated Waste Management Plan, there is sufficient landfill capacity for Santa Clara County for approximately 23 more years.

Currently, there is a minimal amount of activity on the site. Therefore, the project site generates a minimal amount of waste.

Electricity and Natural Gas Services

Natural gas and electric service is provided to the site area by Pacific Gas and Electric. There are two electrical substations located on the adjacent Hitachi campus that provide electricity for the campus: one is a 115-kilovolt (kV) substation, which contains a 50-megawatt electrical generator, and the other is a 115-kV substation. There are various overhead lines and underground electrical utility facilities in the project area.

Several high-pressure gas transmission lines are located in the project area. There is a six-inch gas main located in Monterey Highway, north of the project site, which operates at 175 pounds per square inch (psi). This main extends north and becomes a 10-inch main that operates at 400 psi.

Currently, there is a minimal amount of activity on the site. Therefore, the project site uses a minimal amount of electricity and natural gas.

2. Utilities and Service Impacts

Thresholds of Significance

For the purpose of this EIR, a utility service impact is considered significant if the project would:

- Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board;
- Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;
- Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;
- Not have sufficient water supplies available to serve the project from existing entitlements and resources, and would require new or expanded entitlements;
- Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments;

- Be served by a landfill without sufficient permitted capacity to accommodate the project's solid waste disposal needs; or
- Be inconsistent with federal, state, or local statutes and regulations related to solid waste.

Impacts of General Plan Amendment and Specific Development Project

Water Service and Supply Impacts

Development associated with the proposed project would increase demand for water as compared to existing conditions. It is estimated that the proposed project would increase the water use (above existing conditions) at the site by approximately 296,530 gallons per day.⁴⁷

As described previously throughout this EIR, the project site currently has entitlements to construct up to 1.5 million square feet of industrial uses. Great Oaks Water Company recently updated their Urban Water Management Plan (UWMP) in May 2005. UWMPs provide information on supply, demand, and service ability of water suppliers. Great Oaks Water Company's UWMP projects water supply, water demand, and service ability out to the year 2030. The Great Oaks Water Company UWMP includes adequate water supply and water service to the project site to accommodate the existing entitlements.⁴⁸ In comparison to the existing entitlements, the proposed project would result in a net decrease of water use by approximately 124,710 gallons per day.

In accordance with state law (SB 610) and CEQA, all proposed projects generating specific amounts of increased water usage are required to provide a water supply analysis addressing long-term water supply availability for the proposed project. According to the Great Oaks Water Company UWMP 2030, there is sufficient water supply to serve the project site under the existing entitlements. The Great Oaks Water Company UWMP is on-file and available for review at the City of San José Department of Planning, Building, and Code Enforcement, located at 200 East Santa Clara Street, or at the Great Oaks Water Company offices, located at 15 Great Oaks Blvd, Suite 100, during normal business hours. Since the proposed project would result in a decrease in water use compared to development under existing entitlements, a water supply assessment is not warranted.

Great Oaks Water Company would provide water service to the proposed development on the site through the installation of new water lines and mains. These new mains and water facilities will be owned and maintained by Great Oaks Water Company, and water supply for the new development would be provided by this extension of Great Oaks Water Company's water network.

⁴⁷ Water usage on-site was based on sewer generation rates of 0.089 gallons per square foot per day for commercial uses and 0.212 gallons per square foot per day for research and development uses. Typically, sewage generation is 85 percent of total water use. Source: City of San José. Sewage Treatment Plant Connection Fees, Coefficients and Rates. March 2001.

⁴⁸ Roeder, John. Great Oaks Water Company. Personal Communications. April-May 2004.

Recycled Water

The use of recycled water as a source of irrigation water is not anticipated at this time because there is no source of recycled water in the immediate area of the project site. The nearest reclaimed water facility is at the intersection of Monterey Highway and Bernal Road.⁴⁹ In addition, there is an agreement between the City of San José and Santa Clara Valley Water District restricting the use of reclaimed water for irrigation in areas where there is an unconfined groundwater aquifer. The project site is located over an unconfined aquifer. Even though reclaimed water is not available to the site, it is envisioned that the project will construct all irrigation facilities in accordance with the requirements of the South Bay Water Recycling program, including the installation of purple pipes, to facilitate connection to and use of recycled water should it become available in the future.

Fire Supply

The typical required fire flow for a new development project of this type is 4,500 gallons per minute (gpm) at a static pressure of 20 psi. According to the Great Oaks Water Company, improvements to their water network, resulting from the extension and interconnection of water mains as described above, will provide a fire supply at the rate of up to 6,500 gpm at 20 psi, which would exceed the City's requirement.⁵⁰

The project proposes the following measures to further reduce water usage:

- To the extent applicable and required by the current Plumbing and Building Code, the project shall include water efficient features, such as high efficiency and dual flush toilets, waterless urinals, electronic faucets, and hot water demand system and dual plumbing for gray and recycled water.
- The project irrigation system shall be designed and constructed to receive recycled water when this water becomes available to the site area. The design and construction of the irrigation system on the site must conform to the South Bay Water Recycling program rules and regulations and must be submitted to and approved by South Bay Water Recycling.
- The project shall incorporate drought-resistant landscaping to the satisfaction of the Director of Planning, Building, and Code Enforcement.

Development under the existing entitlements would result in similar water needs as the proposed project.

- **The UWMP of the Great Oaks Water Company and its wholesale supplier, the Santa Clara Valley Water District, indicate that there are sufficient water supplies available to serve development of the project site under existing entitlements. The proposed project is anticipated to generate less water demand than development under existing entitlements. For these reasons, the project**

⁴⁹ City of San José. South Bay Water Recycling Map. <http://www.ci.san-jose.ca.us/sbwr/SBMap.htm> and conversations with staff from the City of San José Municipal Water Department. 2004.

⁵⁰ City of San José. Hitachi Campus GPA and PD Zoning Project DEIR. March 2005.

would not have a significant impact on water service or supply. (Less Than Significant Impact)

Storm Drainage Impacts

As discussed in *Section II.I. Hydrology and Water Quality*, the proposed project would result in an increase in impervious surface area and increase peak flow rates. The proposed project, therefore, would exacerbate impacts on the existing storm drain system between the site and Canoas Creek.

Development under existing conditions would result in similar impacts to the storm drain system as the proposed project.

- **Future development would increase the amount of impervious surfaces on the site and, therefore, increase the amount of storm water runoff from the site. Runoff from the project site is estimated to increase three times compared to existing conditions. (Significant Impact)**

Wastewater Treatment/Sanitary Sewer Impacts

The development allowed by the proposed land use designation on the project site would increase the demand for sanitary sewer services in comparison to existing levels. Currently, there are no sewer lines on the project site. Sewer lines would need to be installed to serve future development on the project site. It is estimated that the proposed project would result in the increase of sewage by approximately 252,000 gallons of sewage a day. This would be an approximate 0.002 percent increase in the current amount of sewage treated at the WPCP. For this reason, it is not anticipated that the project would result in significant sewage impacts.

The project proposes the following measures to further reduce sanitary sewer impacts:

- Site-specific design, including sizing of the new and relocated sanitary sewer lines shall be completed at the Planned Development Permit stage, as development is proposed on specific parcels. The design will be in accordance with current City of San José standards for capacity, materials, and installation.
- The design of public mains shall be submitted to the City Public Works Department, Transportation and Development Division, for review and approval as a part of the preparation of construction documents.
- Design of private facilities shall be in accordance with the appropriate sections of the Uniform Plumbing Code and submitted to the City Building Department for review and issuance of the necessary permits.

Development under existing conditions would generate similar amounts of sewage as the proposed project.

- **Development of the proposed project would increase the amount of sewage generated from the site by 252,000 gallons per day, which is minimal increase in**

the total amount of sewage treated at the WPCP. Therefore, the project is not anticipated to have a significant impact. (Less Than Significant Impact)

Solid Waste Impacts

As mentioned previously, collection services for businesses in San José are provided by various City authorized franchised waste and recycling haulers. Future office/R&D and commercial uses would be able to choose a hauler and/or recycler to best suit their needs.

Implementation of the proposed project would result in an increase in solid waste. Based on the most conservative (the highest) waste generation rates for office/R&D use, the industrial portion of the project could generate up to 420,000 pounds per week, and the retail and commercial uses could generate up to 144,900 pounds of waste per week.⁵¹ In total, the proposed project could generate up to an additional 564,900 pounds of waste per week.

According to the County of Santa Clara Integrated Waste Management Plan, Summary Plan and Siting Element, the County is served by six fully permitted solid waste disposal sites. At the time this Summary Plan and Siting Element was prepared, the County estimated that between 29 and 47 years of disposal capacity remains within the County.⁵² It is likely that most of the solid waste from the site would be disposed of at the Newby Island Sanitary Landfill. Capacity estimates at Newby Island indicate that that facility currently has capacity for an additional 14,978,546 cubic yards of waste.⁵³ Based on the available disposal capacity in the County, the project would not result in significant solid waste impacts.

Development under the existing entitlements would generate similar amounts of solid waste as the proposed project.

- **Development associated with the proposed project would result in increases in solid waste and recyclables collected under City contracts, as compared to the existing condition. These increases would not exceed either the capacity of the collection systems or the secured landfill capacity. (Less Than Significant Impact)**

Electricity, Natural Gas, and Telephone Impacts

Facilities for providing electrical, natural gas, and telephone services are built and maintained by the private utilities that provide these services under their franchise agreements with the State of California. New and expanded facilities are paid for from capital funds financed by fees paid by users. Construction of the proposed development would result in an increase in the demand for electric and natural gas service on the site, as compared with existing conditions. Given the urban location of the site, and the fact that electric and natural gas service is currently provided to the site area, the provision and expansion of service for the

⁵¹ Waste generation is based on 0.084 pounds/square foot/day for professional office and 0.046 pounds/square foot/day for commercial/retail (California Integrated Waste Management Board. Estimated Solid Waste Generation Rates for Commercial Establishments. 5 January 2004. State of California. 5 February 2004. <http://www.ciwmb.ca.gov/wastechar/WasteGenRates/WGCommer.htm>).

⁵² County of Santa Clara Integrated Waste Management Plan. Summary Plan and Siting Element November 1995. p. II-7.

⁵³ California Integrated Waste Management Board. Homepage. March 9, 2005. <http://www.ciwmb.ca.gov/Profiles/Facility/Landfill.html>.

project would not present a significant impact. All of the utility providers monitor growth patterns and plans of the urban jurisdictions in Santa Clara County, including the City of San José. Given the developed nature of the area, the site location within the urban envelope, and the presence of existing electricity, natural gas, and telephone service near the site, it is not anticipated that any of the utility companies would have difficulty expanding infrastructure to serve development allowed by the City and County General Plans.

Development under the existing conditions would result in similar demand for electrical, natural gas, and telephone services as the proposed project.

- **Development of the proposed project would result in an increase in demand for electrical, natural gas, and telephone services, but would not result in a need for significant new infrastructure on or near the site. (Less Than Significant Impact)**

3. Mitigation and Avoidance Measures

General Plan Policies

- *Services and Facilities Level of Service Goal 2* provides for achieving the following levels of service for City services:
 - For sanitary sewers, level of service “D”;
 - For sewage treatment, to remain within the capacity of the Water Pollution Control Plant; and
 - For storm drainage, to minimize flooding on public streets and to minimize property damage from storm water.
- *Level of Service Policy 2* states that the existing community should not be burdened by service demands of new development. Capital and facility needs generated by new development should be financed by new development.

Water Service and Supply

- *Water Resources Policy 2* states that water resources should be utilized in a manner which does not deplete the supply of surface or groundwater, and efforts to conserve and reclaim water supplies, both local and imported, should be encouraged.
- *Water Resources Policy 10* states that the City should encourage more efficient use of water by promoting water conservation and the use of water-saving devices.
- *Water Resources Policy 11* states that the City should promote the use of reclaimed water when feasible, particularly for industrial users, for irrigation, and in groundwater recharge areas.

Storm Drainage

- *Level of Service, Storm Drainage and Flood Control Policy 12* states that new projects should be designed to minimize potential damage due to storm waters and flooding to the site and other properties.
- *Storm Water Goal 2* states storm drainage must minimize flooding on public streets and storm drainage must minimize property damage from storm water.
- *Water Resources Policies Policy 8* states the City should establish policies, programs and guidelines to adequately control the discharge of urban runoff and other pollutants into the City's storm drains.
- *Water Resources Policy 12* states that for all new discretionary development permits for projects incorporating large paved areas or other hard surfaces (e.g., building roofs), or major expansion of a building or use, the City should require specific construction and post-construction measures to control the quantity and improve the water quality of urban runoff.

Sanitary Sewer

- *Level of Service Policy 2* states that it is the City's policy to maintain the level of service for sanitary sewers at LOS D.
- *Sewage Treatment Policy 7* states sewage treatment must remain within the capacity of the Water Pollution Control Plan.
- *Sewage Treatment Policy 8* states the operation of the Water Pollution Control Plant should comply with the water quality standards for the South San Francisco Bay established by the RWQCB and implemented through NPDES permits.
- *Sewage Treatment Policy 9* states the City should continue to encourage water conservation programs which result in reduced demand for sewage treatment capacity.

Solid Waste

- *Solid Waste Goal 2* is to extend the life span of existing landfills by promoting source reduction, recycling, composting, and transformation of solid wastes.
- *Solid Waste Goal 3* is to locate and operate solid waste sites in a manner which protects environmental resources.
- *Solid Waste Goal 6* is to promote the equitable distribution of Santa Clara County's solid waste disposal capacity among all jurisdictions within the City.
- *Solid Waste Policy 1* is to monitor the continued availability of long-term disposal capacity to ensure adequate solid waste disposal capacity.

Electricity and Natural Gas

- *Urban Design Policy 7* states that the City should require the undergrounding of distribution utility lines serving new development sites as well as proposed redevelopment sites. Overhead lines providing electrical power to light rail transit vehicles and high tension electrical transmission lines are exempt from this policy.

Other Program Mitigation Measures

Integrated Waste Management Program

The generation of solid waste resulting from future development would be minimized through implementation of the City's Integrated Waste Management Program that provides programs and services to help businesses prevent and/or reduce their waste, including the following:

- The processing and marketing of recyclables at materials recovery facilities and community relations/education programs;
- **California Materials Exchange (CalMAX)**, a service designed to help businesses find markets for their own non-hazardous materials that they normally discard;
- **Solid Waste Characterization**, a program that helps businesses analyze their waste streams and determine where they can reduce their waste; and
- **Business Resource Efficiency and Waste Reduction Programs**, a service that provides resources and information to businesses on how they can reduce their waste.

Specific Development Mitigation Measures Proposed By the Project

The project proposes the measures identified in *Section II.I. Hydrology and Water Quality* to reduce storm drain impacts to a less than significant level.

4. Conclusion

Implementation of the above General Plan goals and policies and the specific mitigation measures described in *Section II.I. Hydrology and Water Quality* will ensure that any impacts to utilities and services incurred from implementation of the proposed General Plan amendment and Planned Development Zoning project will be less than significant. **(Less Than Significant Impact with Mitigation Incorporated)**

L. ENERGY⁵⁴

This section was prepared pursuant to CEQA Guidelines Section 15126(c) and Appendix F (Energy Conservation of the Guidelines), which require that EIRs include a discussion of the potential energy impacts of proposed projects with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy.

1. Introduction

Energy consumption is analyzed in an EIR because of the environmental impacts associated with its production and usage. Such impacts include the depletion of nonrenewable resources (e.g., oil, natural gas, coal, etc.) and emissions of pollutants during both the production and consumption phases.

Energy usage is typically quantified using the British Thermal Unit (BTU).⁵⁵ As points of reference, the approximate amount of energy contained in a gallon of gasoline, a cubic foot of natural gas, and a kilowatt hour (kWhr) of electricity are 123,000 BTUs, 1,000 BTUs, and 3,400 BTUs, respectively.

Energy conservation is embodied in many federal, state, and local statutes and policies. At the federal level, energy standards apply to numerous products (e.g., the EnergyStar program) and transportation (e.g., fuel efficiency standards). At the state level, Title 24 of the California Administrative Code sets forth energy standards for buildings and rebates/tax credits for installation of renewable energy systems, and the Flex Your Power program promotes conservation in multiple ways. At the local level, the City's General Plan includes strategies and policies whose objectives include reduction in energy usage. The project's consistency with the City's Sustainable City Strategy, Green Building Policy and Energy Goal are discussed in *Section I.G. Consistency with Plans and Policies*. A brief description of each is provided below.

Sustainable City Strategy

The Sustainable City Major Strategy is a statement of San José's desire to become an environmentally and economically sustainable city. The Strategy seeks to reduce traffic congestion, pollution, wastefulness, and environmental degradation of our living environment by conserving natural resources and preserving San José's natural living environment.

Green Building Policy

The Green Building Policy fosters long-term social, economic, and environmental sustainability in building and development while making green building the standard practice in San José and celebrating sustainability as a core value to the community. The vision for Green Building in San José is a place where the people have the knowledge and opportunities to build and occupy dwellings that have a maximum impact on the well being of the occupants and a minimal impact on the environment. The Green Building Policy goals

⁵⁴ This section is based largely on data and reports produced by the California Energy Commission and the Energy Information Administration of the U.S. Department of Energy. The specific sources and citations are listed at the end of this EIR in the *Section VII. References*.

⁵⁵ The British thermal Unit (BTU) is the amount of energy that is required to raise the temperature of one pound of water by one degree Fahrenheit.

center on five main categories: sustainable sites, energy and atmosphere, water efficiency, materials and resources, and indoor environmental quality.

Energy Goal

The City's Energy Goal is to foster development which, by its location and design, reduces the use of non-renewable energy resources in transportation, buildings, and urban services (utilities) and expands the use of renewable energy resources.

2. Existing Setting

Total energy usage in California was 8,519 trillion BTUs in the year 2000, which equates to an average of 252 million BTUs per capita. Of California's total energy usage in 2000, the breakdown by sector was 15 percent residential, 14 percent commercial, 35 percent industrial, and 36 percent transportation. This energy was primarily supplied in the form of coal (2.9 million tons), natural gas (2.3 trillion cubic feet), petroleum (647 million barrels), nuclear electric power (35.2 trillion kWhr), and hydroelectric power (42.8 trillion kWhr).

Given the nature of the proposed project (i.e., a land use decision in San José), the remainder of this discussion will focus on the three most relevant sources of energy: electricity for industrial and commercial uses, natural gas for industrial and commercial uses, and gasoline for vehicle trips associated with industrial and commercial uses.

Electricity

In 2003, California used over 276,000 gigawatt hours of electricity. This electricity was produced from power plants fueled by natural gas (37 percent), coal (21 percent), hydro (16 percent), nuclear (15 percent), and renewables (11 percent). Approximately 78 percent of the electricity was generated within California, with the balance imported from other states, Canada, and Mexico.

Electricity usage in California for differing land uses varies substantially by the type of uses in a building, type of construction materials used in a building, and the efficiency of all electricity-consuming devices within a building. The average annual usage of electricity is roughly 13 kWhr/square foot for all commercial buildings and roughly 18 kWhr/square foot for office buildings.

Electricity supply in California involves a complex grid of power plants and transmission lines located in the Western United States, Canada, and Mexico. The issue is complicated by market forces that have become prominent since 1998, which is when a new regulatory environment commonly referred to as "deregulation" took effect in California. Supply is further complicated by the fact that the peak demand for electricity is significantly higher than the off-peak demand. For example, in August 2004, peak electric demand - due in large part to hot weather - reached a record high of 44,497 megawatts, which is almost double the lowest demand period.

In 2000-2001, electric demand exceeded supply on various occasions, which required utilities to institute systematic rotating outages to maintain the stability of the grid and to prevent widespread blackouts. Since that time, additional generating capacity has come on-line and upgrades to various transmission lines are occurring.

According to the California Energy Commission's 2003 Integrated Energy Policy Report, the current outlook is that California will have an adequate supply of electricity through 2009. However, the report notes that peak demand reserve shortages could return by 2006 and possibly earlier.

Natural Gas

In 2001, California used almost 2.4 trillion cubic feet of natural gas. The natural gas was used to produce electricity (41 percent), in industrial uses (28 percent), in commercial uses (10 percent), and in residential uses (21 percent). Approximately 16 percent of the natural gas was produced within California, with the balance imported from other states and Canada.

Natural gas usage in California for differing land uses varies substantially by the type of uses in a building, type of construction materials used in a building, and the efficiency of all gas-consuming devices within a building. The average annual usage of natural gas is roughly 37 cubic feet/square foot for all commercial buildings and roughly 29 cubic feet/square foot for office buildings.

According to the California Energy Commission's 2003 Integrated Energy Policy Report, the current outlook is that Northern California will have an adequate supply of natural gas through 2007. The report, however, notes meeting peak demand under extreme weather conditions may require gas infrastructure improvements (e.g., additional pipeline capacity) earlier than currently programmed.

Gasoline for Motor Vehicles

Californians presently consume roughly 49.5 million gallons of gasoline and diesel each day. This is a 53 percent increase over the amount that was used 20 years ago. The primary factors contributing to this increase are: 1) population growth, 2) declining per-mile cost of gasoline, 3) land use patterns that have increased the distance between jobs and housing, and 4) a shift in consumer preferences to larger, less fuel efficient motor vehicles.

The average fuel economy for the fleet of light-duty vehicles (autos, pickups, vans, and SUVs) steadily increased from about 12.6 miles-per-gallon (mpg) in the mid-1970s to the current 20.7 mpg. No further improvements in the average fuel economy for the overall fleet, however, are projected through the year 2020. This conclusion is based on the fact that projected increases in the number of fuel efficient cars (e.g., hybrids) will be offset by projected increases in the number of SUVs, pickups, and vans.

Although no new refineries have been constructed in California since 1969, supply has kept pace with demand through a combination of refinery upgrades/modernizations, and out-of-state imports.

According to the California Energy Commission's 2003 Integrated Energy Policy Report, the demand for gasoline and diesel for on-road vehicles is projected to increase by 36 percent over the next 20 years. Imports of foreign crude oil will increase as in-state and Alaskan supplies diminish. Since California refineries are already operating close to their full capacity, daily imports of refined gasoline and diesel are expected to double over the next 20 years. Unless out-of-state facilities expand, the gasoline and diesel markets will become

increasingly volatile, with the likelihood of shortages and more prolonged periods of high prices.

3. Energy Impacts

Thresholds of Significance for Energy Impacts

For the purpose of this EIR, an energy impact is considered significant if the project would:

- Use fuel or energy in a wasteful manner;
- Result in a substantial increase in demand upon energy resources in relation to projected supplies; or
- Result in longer overall distances between jobs and housing.

The proposed project would result in the construction of up to one million square feet of industrial uses and up to 450,000 square feet of commercial uses in southern San José. Energy will be consumed during both the construction and operational phases of these uses. The construction phase will require energy for the manufacture and transportation of building materials, preparation of the site (e.g., grading), and the actual construction of the buildings. The operational phase will consume energy for multiple purposes including, but not limited to, building heating and cooling, lighting, appliances, electronics, office equipment, and commercial machinery. Operational energy will also be consumed during each vehicle trip associated with these proposed uses. Rough estimates of operational energy usage by the proposed project are provided in Table 25 below.

| Table 25 | | | |
|--|---|-----------------------------------|---------------------------------|
| Estimated Average Annual Energy Usage | | | |
| Land Use | Usage/Unit | # of Units | Additional Annual Energy |
| Commercial | | | |
| Electricity | 13 kWhr/ft ² /year | Up to 450,000 ft ² | 6 million kWhr |
| Natural Gas | 37 ft ³ /ft ² /year | Up to 450,000 ft ² | 17 million ft ³ |
| Office/R&D | | | |
| Electricity | 18kWhr/ft ² /year | Up to one million ft ² | 18 million kWhr |
| Natural Gas | 29 ft ³ /ft ² /year | Up to one million ft ² | 29 million ft ³ |
| Transportation | | | |
| Gasoline | 0.048 gallons/mile | 29,352 Daily trips | 2 million gallons* |
| <i>Notes:</i> <i>du= dwelling unit, ft²= square feet, ft³= cubic feet, kWhr=kilowatt hour, Average vehicle trip length= 3 miles</i> <i>* Additional annual gasoline expenditure was calculated the following way: (29,352 trips/day) (3 miles/trip) (0.048 gallons/mile) (365 days/year) = 1.5 million gallons/year ≈ 2 million gallons/year</i> | | | |

The energy usage shown in Table 10, while a small percentage of the energy consumed in San José as a whole, is nonetheless substantial in view of the above-described projections regarding future supplies. The project, therefore, would result in a substantial increase in demand upon energy resources in relation to projected supplies.

It should also be noted that the project, by constructing industrial uses on the site, would provide jobs in the southern part of San José. This would provide the opportunity for reverse commute and could incrementally help reduce an existing intraregion commute pattern from residential areas in the south county to jobs in the northern part of the county, but less so than the site's current entitlements for approximately 1.5 million square feet of industrial land uses, which would provide 1,156 more jobs than the current proposed project.

In comparison to the existing entitlements, the proposed project would use less electricity, but more natural gas and gasoline than development under existing entitlements (see Table 26).

| Table 26 Difference in Estimated Annual Energy Usage Between the Proposed Project and the Existing Entitlements | | | |
|--|--------------------|----------------------------|----------------------|
| Development On-Site | Electricity | Natural Gas | Gasoline |
| Proposed Project | 24 million kWhr | 46 million ft ³ | 2 million gallons |
| Existing Entitlements | 27 million kWhr | 44 million ft ³ | 631,000 gallons |
| Difference in Energy Usage | 3 million kWhr | 2 million ft ³ | ~1.4 million gallons |

- **The project would provide industrial and commercial uses near existing housing, which could lead to some reduction in transportation related to energy consumption. The project, however, would result in a substantial increase in energy usage on the site. The increase in energy usage on the site would increase the demand upon energy resources; therefore, the project would result in a significant impact on energy resources. (Significant Impact)**

4. Mitigation and Avoidance Measures

General Plan Policies

- *Green Building Policy 3* states that the City of San José shall provide leadership and guidance to encourage the application of green building practices in private sector planning, design, construction, management, renovation, operations, and demolition of buildings by promoting the voluntary application of the San José Green Building Policy goals and the “San José LEED” Green Building Rating System.
- *Energy Policy 1* states that the City should promote development in areas served by public transit and other existing services.
- *Energy Policy 2* states that decisions on land use should consider the proximity of industrial and commercial uses to major residential areas in order to reduce the energy used for commuting.

- *Energy Policy 4* states that the energy-efficiency of proposed new development should be considered when land use and development review decisions are made. The City's design techniques include provisions for solar access, for siting structures to maximize natural heating and cooling, and for landscaping to aid passive cooling protection from prevailing winds and maximum year-round solar access.
- *Energy Policy 5* states that the City should encourage owners and residents of existing developments to implement programs to use energy more efficiently in buildings and in their transportation choices, to reduce dependency on automobiles, and to explore alternative energy sources.
- *Energy Policy 6* states that all street lights in areas outside of the Downtown Core Area should use the low-pressure sodium vapor.

State Law

All new buildings shall be constructed to meet the requirements of Title 24 of the California Administrative Code, as it pertains to energy efficiency.

Specific Development Mitigation Measures Proposed By the Project

The project proposes the following mitigation measures to reduce the project's energy consumption to a less than significant level:

Measures to Reduce Energy Consumption During Demolition

- The project shall have a waste management plan for recycling of construction and demolition materials in place and operating at the beginning of the project.⁵⁶ Prior to issuance of building permits, the City will review the plan. The plan shall be completed to the satisfaction of the Director of Planning, Building, and Code Enforcement.
- The project shall recycle or salvage a minimum of 50 percent (by weight) of construction, demolition, and land clearing waste.⁵⁷

Measures to Reduce Energy Consumption by Design

- The project shall incorporate principles of passive solar design to the satisfaction of the Director of Planning, Building, and Code Enforcement. Passive solar design is the technology of heating, cooling, and lighting a building naturally with sunlight rather than with mechanical systems because the building itself is the system. Basic design principles are large south-facing windows with proper overhangs, as well as tile, brick, or other thermal mass material used in flooring or walls to store the sun's

⁵⁶ United States Department of Energy, Energy Efficiency and Renewable Energy. Energy and Environmental Guidelines for Construction. 8 July 2004. United States Department of Energy. 9 September 2004. <http://www.eere.energy.gov/buildings/info/design/construction.html#construction>.

⁵⁷ United States Department of Energy, Energy Efficiency and Renewable Energy. Energy and Environmental Guidelines for Construction. 8 July 2004. United States Department of Energy. 9 September 2004. <http://www.eere.energy.gov/buildings/info/design/construction.html#construction>.

heat during the day and release it back into the building at night or when the temperature drops. Passive solar also takes advantage of energy efficient materials, improved insulation, airtight construction, natural landscaping, and proper building orientation to take advantage of the sun, shade, and wind.⁵⁸

- The project shall install reflective, EnergyStarTM, cool roofs to the satisfaction of the Director of Planning, Building, and Code Enforcement. Cool roofs decrease roofing maintenance and replacement costs, improve building comfort, reduce impact on surrounding air temperatures, reduce peak electricity demand, and reduce waste stream of roofing debris.⁵⁹

Measures to Reduce Energy Consumption During Construction

The U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Rating System is designed for rating new and existing commercial, institutional, and high-rise residential buildings. It evaluates environmental performance from a "whole building" perspective over a building's life cycle, providing a definitive standard for what constitutes a green building. A building is scored in six different green building categories: sustainability, water efficiency, energy and atmosphere, materials and resources, indoor environmental quality, and innovation and design process. Based on the building's score, the building may be awarded a LEED Certified, LEED Silver, LEED Gold, or LEED Platinum status.

- The proposed buildings shall incorporate, where applicable and feasible, elements of the LEED Project Checklist into the design to the satisfaction of the Director of Planning, Building, and Code Enforcement. The following are examples of LEED measures that may be incorporated:
 - The project shall use recycled materials to reduce the use of raw materials and divert material from landfills. Construction material used shall be at least 5-10 percent salvaged or refurbished materials, specifically, a minimum of 25-50 percent of building materials shall contain at least 20 percent post consumer recycled content material, or a minimum of 40 percent post industrial recycled content material.⁶⁰
 - The project shall use local and regional materials in order to reduce natural resources necessary from transporting materials over long distances. Of the building materials used, 20-50 percent shall be manufactured within 500 miles of the building site.⁶¹
 - The project shall use rapidly renewable materials in order to reduce the depletion of virgin materials and reduce use of petroleum-based materials. Specifically five

⁵⁸ United States Department of Energy, Energy Efficiency and Renewable Energy. Technologies. 30 October 2003. United States Department of Energy. 9 September 2004.

<http://www.eere.energy.gov/buildings/highperformance/technologies.html>

⁵⁹ California Energy Commission. Project Fact Sheets. 26 November 2003. State of California. 9 November 2004.

http://www.energy.ca.gov/peakload/project_fact_sheets.html.

⁶⁰ United States Department of Energy, Energy Efficiency and Renewable Energy. Energy and Environmental Guidelines for Construction. 8 July 2004. United States Department of Energy. 9 September 2004.

<http://www.eere.energy.gov/buildings/info/design/construction.html#construction>.

⁶¹ Ibid.

percent of total building materials shall be made from rapidly renewable building materials.⁶²

- For components of the project where buildings would be made from wood, such as flooring and framing, the project shall use a minimum of 50 percent wood-based materials certified in accordance with the Forest Stewardship Council Guidelines (<http://www.fscoaz.org/index.html>).⁶³
- The project shall select materials with volatile organic compound limits.⁶⁴
- The idling of construction vehicles shall be avoided to reduce fuel consumption, emissions, and noise.
- Commercial and industrial buildings, to the extent feasible, shall:
 - Install motion detectors or dimmers to control lighting;
 - Install efficient security and parking lot lighting (e.g., high pressure sodium fixtures);
 - Install reflective window film or awnings on all south and west facing windows;
 - Install ceiling and wall insulation; and
 - Install Energy Management System to control HVAC system—its operating hours, set points, scheduling of chillers, etc.⁶⁵

5. Conclusion

Implementation of the above measures will reduce energy impacts of project construction and operation to a less than significant level. **(Less Than Significant Impact with Mitigation Incorporated)**

⁶² United States Department of Energy, Energy Efficiency and Renewable Energy. Energy and Environmental Guidelines for Construction. 8 July 2004. United States Department of Energy. 9 September 2004. <http://www.eere.energy.gov/buildings/info/design/construction.html#construction>.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ City of San José Environmental Services. Office Energy Saving Tips. City of San José. 9 September 2004. <http://www.ci.san-jose.ca.us/esd/ER-Tips-office.htm>.

III. AVAILABILITY OF PUBLIC SERVICES

Unlike utility services, public services are provided to the community as a whole, usually from a central location or from a defined set of nodes. The resources base for delivery of the services, including the physical service delivery mechanisms, is financed on a community-wide basis, usually from a unified or integrated financial system. The service delivery can be provided by a city, county, service, or other special district. Usually, new development will create an incremental increase in the demand for these services. The amount of the demand will vary widely, depending on both the nature of the development (residential vs. industrial, for instance) and the type of services, as well as on the specific characteristics of the development (such as senior housing vs. family housing.)

The impact of a particular project on public services and facilities is generally a fiscal impact. By increasing the demand for a type of service, a project could cause an eventual increase in the cost of providing the service (more personnel hours to patrol an area, additional fire equipment needed to service a tall building, etc.). These impacts are economic; not environmental.

CEQA does not require an analysis of fiscal impacts unless the increased demand triggers the need for a new facility (such as a school or fire station), since the new facility would have a physical impact on the environment.

1. Fire Service

Fire protection to the project site is provided by the San José Fire Department (SJFD), which serves a population of approximately 920,000 and an area of 205 square miles. The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the project area. In 2002-2003, approximately 65 percent of the emergency calls received by the Fire Department were medically-related, 11 percent were fire-related and 23 percent were classified as miscellaneous.⁶⁶

The SJFD employs two standards to measure service performance: *travel time and total reflex time*. Travel time is a measure of the period of time when a responding emergency fire apparatus leaves the fire station until it arrives at the scene of the emergency. Total reflex time refers to the amount of time that passes from receipt of the emergency call by the Emergency Communications Dispatching Center to the arrival of the responding unit to the emergency scene.

The City's level of service standard for emergency medical services and fire protection services establishes a maximum travel time performance standard of four minutes for first engine response, and six minutes for the second engine and first truck/Urban Search and Rescue (USAR) responses. The four minute response is expected to be achieved 80 percent of the time. The performance standard for total reflex time is eight minutes for the first-due apparatus, 80 percent of the time. Table 27 shows the standards for travel and total reflex times. Travel times and total reflex times, evaluated both individually and together, represent a more accurate measure of the level of service being provided to the community.

⁶⁶ City of San José. Response by Company Fiscal Year 2002-2003. San José Fire Department. 2004. 16 April 2004. http://www.sjfd.org/Stats/0203_co_company.htm.

| Table 27 | | |
|---|--------------------------|--------------------------------|
| Standards for Travel and Total Reflex Times | | |
| Unit | Travel Time (min) | Total Reflex Time (min) |
| 1 st Engine | 4 | 8 |
| 2 nd Engine | 6 | 10 |
| 1 st Truck/USAR | 6 | 10 |
| 1 st Battalion Chief | 9 | 13 |
| 3 rd Engine | 6 | 10 |
| 2 nd Truck/USAR | 11 | 15 |
| 2 nd Battalion Chief | 11 | 15 |
| <i>Note: Response and reflex times are for fires in buildings of less than four stories.</i> | | |
| <i>Source: <u>Standards for Travel Times and Total Reflex Times for Fires in Buildings of Less Than 4 Stories</u>. Table. Bureau of Support Services. 17 November 2003.</i> | | |

The nearest fire station to the site is San José Fire Station No. 27, located at 6027 San Ignacio Avenue, approximately 1.2 miles southeast of the site. According to the Fire Department, the initial first alarm response time from the first engine would be approximately four minutes (refer to Table 27). The first and third response engines times were found to be within the Fire Department's travel time and total reflex time standard, whereas other units are in excess of the recommended standards. However, a new fire station (Station No. 35) is to be located at Cottle Road and Poughkeepsie Road and is anticipated

to be operational by July of 2007.⁶⁷ If the station is built as planned, Engine 35 will be the first due engine to the project site. Station No. 35 will improve the first alarm assignment travel times and total reflex times considerably (refer to Table 28).

| Table 28 | | | | | | |
|--|-------------|-------------------------|--------------------------|---------------------|--------------------------------|---------------------|
| Response Times to Project Site | | | | | | |
| Response | Unit | Location | Travel Time (min) | Standard Met | Total Reflex Time (min) | Standard Met |
| Initial First Alarm Response: (2 Engines, 1 truck/USAR, and 1 Battalion Chief) | | | | | | |
| 1 st Engine | E27 | 6027 San Ignacio Avenue | 4 | Yes | 8 | Yes |
| 2 nd Engine | E12 | Calero/Cahalan Avenues | 7.5 | No | 11.5 | No |
| 1 st Truck/USAR | T18 | 4430 S. Monterey Road | 8.5 | No | 12.5 | No |
| 1 st Battalion Chief | B13 | 4380 Pearl Avenue | 10 | No | 14 | No |
| Full First Alarm: (Initial First Alarm Response plus 3rd Engine, 2nd Truck/USAR and 2nd Battalion Chief) | | | | | | |
| 3 rd Engine | E18 | 4430 S. Monterey Road | 7.5 | Yes | 11.5 | Yes |
| 2 nd Truck/USAR | U13 | 4380 Pearl Avenue | 13 | No | 17 | No |
| 2 nd Battalion Chief | B1 | 225 N. Market Street | 19 | No | 23 | No |
| With Station No. 35, Engine 35 and Truck 35, Projected Response Times Are As Follows: | | | | | | |
| Initial First Alarm Response: | | | | | | |
| 1 st Engine | E35 | Cottle/Poughkeepsie | 3.5 | Yes | 7.5 | Yes |
| 2 nd Engine | E27 | 6027 San Ignacio Avenue | 4 | Yes | 8 | Yes |
| 1 st Truck/USAR | T35 | Cottle/Poughkeepsie | 4 | Yes | 8 | Yes |
| 1 st Battalion Chief | B13 | 4380 Pearl Avenue | 10 | No | 14 | No |

⁶⁷ Cady, Geoff. "Re: Hitachi." E-mail to David J. Powers & Associates from San José Fire Department. 11 January 2005.

| Table 28 Response Times to Project Site | | | | | | |
|---|------|------------------------|-------------------|--------------|-------------------------|--------------|
| Response | Unit | Location | Travel Time (min) | Standard Met | Total Reflex Time (min) | Standard Met |
| Full First Alarm for Buildings: | | | | | | |
| 3 rd Engine | E12 | Calero/Cahalan Avenues | 7.5 | Yes | 11.5 | Yes |
| 2 nd Truck/USAR | U13 | 4380 Pearl Avenue | 13 | No | 17 | No |
| 2 nd Battalion Chief | B1 | 225 N. Market Street | 19 | No | 23 | No |
| <i>Note: Response times are for fires in buildings of less than four stories. All travel times are estimates under ideal conditions and are all subject to increases based on weather, traffic and other variables</i> <i>Sources: <u>Little and Perimeter Response Times</u>. Table. San José Fire Department, Bureau of Support Services. 17 November 2003.</i> <i>Cady, Geoff. <u>San José Fire Department</u>. Personal Communications. 28 November 2005.</i> | | | | | | |

Development under the existing entitlements would result in similar impacts to fire protection services as the proposed project.

- # **The proposed project would incrementally increase the need for fire protection services, but is not anticipated to create the need for an additional fire station in the project area. (Less Than Significant Impact)**

2. Police Station

Police protection services are provided to the project site by the City of San José Police Department (SJPd). Officers patrolling the project area are dispatched from police headquarters, located at 201 West Mission Street. The SJPd presently consists of approximately 1,362 sworn officers and operates 436 marked police cars.⁶⁸

The SJPd consists of 83 beats. Each beat is assigned to one of 16 Districts. The beats are identified with a number and the Districts are identified with a letter. The project site is located in District Y, Beat 4 of the SJPd's service area. The most frequent crimes in the area in the 2003 included auto burglary, petty theft, and missing juvenile.⁶⁹

The Police Department has a response time goal of six minutes or less for 60 percent of all Priority 1 calls, a goal of 11 minutes or less for 60 percent of all Priority 2 calls.

Planned Police Substation

The City of San José is in the process of buying land adjacent to the project site to the north, from Hitachi in order to develop a Police Substation [APNs: a portion of 706-08-001, 706-08-002, and a part of 706-08-003].

⁶⁸ Phillips, Gene. San José Police Department. Personal Communication. 6 May 2004.

⁶⁹ City of San José. Citywide Crime Statistics. San José Police Department. 2004. 16 April 2004. http://www.sjpd.org/sjpd_2004/crimestats/crimestats_homepage.htm.

The police station building will have various components/services including: office of the chief, bureau of administration, technical services, investigations, and field operations, community services, victim witness, and rape crisis, locker rooms, fitness facilities, and other related city department offices.⁷⁰ This police substation facility is not needed, however, to meet the project's needs for police services.

Development under existing entitlements would result in similar impacts to police protection services as the proposed project.

- **The proposed project site area is currently served by the SJPd. The anticipated level of development that would result from this project would increase calls for service and might require additional staffing or other resources. While the proposed project would incrementally increase the need for police services in the project area, it would not require construction of new police facilities. (Less Than Significant Impact)**

3. Schools

The project site is located in the Oak Grove School District and the East Side Union High School District. Oak Grove School District is comprised of 16 elementary schools and three intermediate (middle) schools and has a total of 11,500 enrolled students.⁷¹ East Side Union High School District is comprised of 11 high schools and five alternative education schools and has a total of 23,847 enrolled students.⁷²

The nearest elementary, middle, and high schools are Santa Teresa Elementary School (approximately 0.5 miles south of the site), Bernal Middle School (approximately one mile southeast of the site), and Oak Grove High School (approximately 1.8 miles southwest of the site). The project does not propose any housing and, therefore, the project would not generate new students.

Development under the existing entitlements would result in the same impacts to school facilities as the proposed project.

- **The project proposes industrial and commercial uses. The project does not propose any housing and, therefore, the project would not generate new students. For this reason, the proposed project would not impact school facilities. (No Impact)**

4. Parks and Recreation

The City's General Plan has established level of service benchmarks for parks and community centers. The City has a service level goal of 3.5 acres of neighborhood and community serving parkland per 1,000 residents, of which a minimum of 1.5 acres is City-owned and up to two acres is school playground/fields, all of which should be located within three-quarters of a mile walking distance of each residence. In addition, the City seeks to

⁷⁰ City of San José, Initial Study for the Southside Police Substation, November, 2004.

⁷¹ Oak Grove School District. Welcome. Oak Grove School District. 16 April 2004. <http://www.ogsd.k12.ca.us/index.htm>.

⁷² East Side Union High School District. Fast Facts. 23 March 2004. East Side Union High School District. 16 April 2004. http://www.esuhd.org/public_info/ESU_fast_facts.pdf.

provide 7.5 acres of regionally serving parkland and 500 square feet of community center space per 1,000 residents.

- **Since the project does not propose residential uses, and therefore would not be increasing the number of residents in the area, it would not substantially increase the demand for or the use of existing park facilities. (No Impact)**

5. Library Services

The City of San José has a level of service goal for libraries: 10,000 square feet of library space per 36,000 population, 18.3 weekly service hours per 10,000 population, and an annual acquisition rate of one volume per six people for the first 500,000 population and one volume per eight people over 500,000 population.

- **The project proposes industrial and commercial uses on the project site. Since the project does not propose residential uses, it is not anticipated that the project would increase the number of people using library facilities. (No Impact)**

IV. GROWTH-INDUCING IMPACTS

This EIR evaluates an amendment to the City of San José's adopted General Plan Land Use/Transportation Diagram and a specific development project that is proposed to implement the proposed land use designation. The project is "infill," meaning that the project site is well within the City's existing urban boundaries; is already served by existing infrastructure, and has long been planned for urban uses even though the property is mostly vacant and undeveloped. As described in *Section I.*, the site currently has entitlements for the development of up to approximately 1.5 million square feet of industrial park uses.

The project proposes a General Plan amendment to change the land use designation on the project site from *Industrial Park* to *Mixed Use with No Underlying Land Use Designation*. The redesignation of any property in a General Plan, by definition, allows for some form of new development. Development of the project site in conformance with the proposed land use designation will be "growth." This growth on the site, however, would not be "induced" by the proposed project – it is the proposed project. The CEQA Guidelines require that an EIR identify the likelihood that a proposed project could "foster" or stimulate "...economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." [§15126.2(d)] This section of the EIR is intended to evaluate the impacts of such growth in the surrounding environment.

The project, however, proposes industrial and commercial uses, not residential uses. The industrial uses proposed would be less than what is currently allowed by both the General Plan and existing zoning. Future commercial development, which is the change proposed for the General Plan and zoning, would serve the existing community. For these reasons, the project is not considered to promote growth and is not expected to have a significant growth inducing impact.

Changing the land use designation on the project site to include commercial uses could create pressure on nearby industrial lands, particularly those industrial areas adjacent to the site, to convert to other non-industrial uses. The proposed General Plan land use designation change, however, will not allow new development where development is not already allowed and will not substantially increase the need for urban infrastructure.

As discussed above, changing the land use designation on the project site from industrial to industrial and commercial uses: 1) will not induce growth in an area where urbanization is not already planned, 2) will not create a precedent for growth outside the existing urban envelope, and 3) will not create a significant demand for new infrastructure in an area where urban infrastructure does not already exist.

- **Based on the above discussion, the proposed project would not result in significant growth-inducing impacts. (Less Than Significant Impact)**

V. CUMULATIVE IMPACTS

A. INTRODUCTION

Cumulative impacts, as defined by CEQA, refer to two or more individual effects which, when combined, are considerable or which compound or increase other environmental impacts. Cumulative impacts may result from individually minor, but collectively significant projects taking place over a period of time. The CEQA Guidelines state (§15130) that an EIR should discuss cumulative impacts “when the project’s incremental effect is cumulatively considerable.” The discussion does not need to be in as great detail as is necessary for project impacts, but is to be “guided by the standards of practicality and reasonableness.” The purpose of the cumulative analysis is to allow decision makers to better understand the potential impacts which might result from approval of past, present and reasonably foreseeable future projects, in conjunction with the proposed project addressed in this EIR.

The Guidelines advise that a discussion of cumulative impacts should reflect both their severity and the likelihood of their occurrence. To accomplish these two objectives, the analysis should include either a list of past, present, and probable future projects or a summary of projections from an adopted general plan or similar document. The effects of past projects are generally reflected in the existing conditions described in the specific sections of this document. The traffic from recently approved projects is reflected in the Background Conditions described in *Section II.B. Transportation* of this EIR. This EIR addresses both a General Plan amendment and a specific development project.

The discussion below address two aspects of cumulative impacts: 1) would the effects of all of the pending development listed result in a cumulatively significant impact on the resources in question? and, if that cumulative impact is likely to be significant, and 2) would the contributions to that impact from the project which is the subject of this EIR, implementation of the proposed iStar General Plan amendment and PD Zoning project, make a cumulatively considerable contribution to those cumulative impacts?

B. LIST OF CUMULATIVE PROJECTS

The proposed actions that must occur to implement the proposed project include amendments to the City's adopted General Plan, both text amendments and changes in the Land Use/Transportation Diagram. Because the project includes amendments to the City's General Plan, the method that was used to prepare this Cumulative Impact analysis combines elements of both the "list" method and the adopted General Plan method.

The City of San José is currently considering six major long-term projects that propose development and/or intensified redevelopment on approximately 10,175 acres, as well as 14 other General Plan amendments that cover approximately 340 acres. The cumulative projects are summarized in Table 29 and the locations of the cumulative projects are shown on Figures 22-24. When compared to buildout under the approved San José General Plan, approval and buildout of all of the cumulative projects would result in a net increase of approximately 102,000 jobs and 45,000 dwelling units.

| Table 29 List of Cumulative Projects | | | |
|--|---|---|--|
| Project # (see figures 22-24) | Project Name/Location | Project Size (acres) | Description |
| 1 | North San José Development Policies | 3,900 | allow for net increase of 68,000 jobs/24,700 dwelling units (du's) |
| 2 | Downtown San José/Strategy 2000 | 1,920 | allow for 45,000 jobs, 10,000 du's, 2,500 hotel rooms |
| 3 | Hitachi (Cottle Road) (GP04-02-01) | 332 | continue office/R&D, add 2,930 du's & commercial |
| 4 | iStar (Cottle Road) (GP03-02-05) | 79 | Allow for office/R&D and commercial/retail |
| 5 | Evergreen Vision | 544 | net decrease of 10,383 jobs; net increase of 7,000 du's |
| 6 | Coyote Valley Specific Plan | 3,400 | plan for 25,000 du's and 50,000 jobs |
| 7 | Marburg Way at U.S. 101 (GP03-03-16) | 3 | change industrial to residential |
| 8 | N. First St. at Route 237 (GP03-04-02) | 35 | change industrial to residential |
| 9 | Berryessa Rd., east of Jackson (GP03-04-07) | 2 | > residential density |
| 10 | Berryessa Rd., west of UPRR (GP03-04-08) | 13 | change industrial to residential |
| 11 | N. First St. at Liberty St. (GP04-04-02) | 19 | change industrial to residential |
| 12 | N. Capitol Ave. at Autumnvale (GP04-04-04) | 4 | change industrial to residential |

| Table 29 List of Cumulative Projects | | | |
|---|--|--------------------------------|--|
| Project # (see figures 22-24) | Project Name/Location | Project Size (acres) | Description |
| 13 | Murphy Ave., east of Oakland (GP04-04-08) | 4 | change industrial to industrial/commercial |
| 14 | Tully Rd. at S. 10th St. (GP02-07-03) | 14 | change public to mixed use |
| 15 | Lewis Rd., east of Garden (GP03-07-06) | 6 | change industrial to residential |
| 16 | Story Rd. at McLaughlin Ave. (GP04-07-02) | 1 | change industrial to commercial |
| 17 | Blossom Hill Rd. at Blossom (GP03-10-02) | 14 | greater residential density |
| 18 | Bailey Ave. (GP04-10-01) | 222 | proposed cemetery |
| 19 | Los Gatos Rd. at Warwick (GP04-09-01) | 1 | greater residential density |
| 20 | White Rd., south of Westgrove (GP04-08-01) | 1 | change residential to office |
| | Modifications to Transportation LOS Policy | n/a | Citywide |
| <i>Source: City of San José, 2005.</i> | | | |

For the purposes of this EIR, the cumulative analysis is based on buildout of the San José General Plan in combination with all pending applications to change the City's General Plan. It also addresses the cumulative impacts associated with two large planning efforts currently in the early stages of the planning process, the Evergreen Vision and the Coyote Valley Specific Plan. The specific land uses and intensity of these two projects are still being determined through on-going public processes that include considerable opportunity for input from the general public, task force members, and the San José City Council. The description of these projects included within this EIR is intended to represent a feasible "worst-case" scenario for those projects in terms of their ability to contribute toward cumulative environmental impacts. The information included here should not be interpreted to presuppose future public processes including City Council actions on any of the cumulative projects listed.

The six largest projects included in the cumulative scenario are described below.

North San José Development Policies Project

The proposed North San José Development Policies Project covers the Rincon de los Esteros Redevelopment Area in North San José, a 3,900-acre area located generally south of State Route 237 (SR 237), east of the Guadalupe River, north and northwest of Interstate 880 (I-880), and west of Coyote Creek (refer to Figure 22).

The project would allow for the development of approximately 26.7 million square feet of new industrial/office/R&D building space in the Rincon area beyond current entitlements. Full implementation of proposed policy changes in the industrial "Core Area," located on both sides of North First Street between Montague Expressway and U.S. 101, would ultimately allow an overall average floor area ratio (FAR) of 1.2, which represents 20 million net square feet of additional development potential. The remaining 6.7 million square feet represents full buildout of the project area outside the core area under the existing FAR cap policy of 0.35 (FAR of 0.40 allowed on land

Figure 22 Locations of Cumulative Projects – NSJ Area

Figure 23 Locations of Cumulative Projects – South SJ Area

Figure 24 Coyote Valley Specific Plan Area

within 2,000 feet of LRT stations). This amount of total new development would allow for approximately 68,000 new employees. In addition, up to 24,700 new dwelling units would be allowed in Rincon, at average densities of either 55 or 90 dwelling units per acre (DU/AC) depending upon their location. This development would accommodate a population increase of approximately 56,563 persons. (Note: City Council approved in June 2005)

Strategy 2000: San José Greater Downtown Strategy for Development (hereafter Strategy 2000)

The Strategy 2000 project is a long-term plan for development in the greater Downtown area, which occupies approximately three square miles and extends beyond San José's traditional Downtown center to be generally bounded by Diridon Station to the west, Taylor Street to the north, San José State University to the east, and Interstate 280 to the south (refer to Figure 22). Development anticipated to occur during the next 10-year period, includes the following: 8,000,000 to 10,000,000 square feet of office space; 8,000 to 10,000 residential dwelling units; 900,000 to 1,200,000 square feet of retail space; and 2,000 to 2,500 guest rooms in four to five hotel projects. (Note: City Council approved in June 2005)

Hitachi Project

The 332-acre Hitachi project site is bounded generally by Monterey Highway and the Union Pacific Railroad tracks to the north/northeast, Manassas Road (a private street) to the east/southeast, SR 85 to the south, and Cottle Road to the west (refer to Figure 23).

The site was recently approved for a General Plan amendment and Planned Development rezoning to allow Hitachi to consolidate their existing 3.6 million square feet of industrial and office operations on the 178-acre "central core" of the site, and to construct a mixed-use, transit-oriented development consisting of up to 2,930 residential units and 460,000 square feet of commercial uses around the perimeter of the site. (Note: City Council approved in June 2005)

iStar Project

The 74-acre iStar site (which is the subject of this EIR) is bounded by Great Oaks Boulevard to the north, Tuscon Way to the east, SR 85 to the east and south, and Manassas Road to the west (refer to Figure 23). The site is mostly comprised of undeveloped, vacant land. The project proposes a General Plan amendment and Planned Development zoning that will allow the development of up to 1.0 million square feet of R&D/office and up to 450,000 square feet of commercial/retail uses on the project site (GP03-02-05, GP04-02-02, and PDC04-100).

Evergreen Vision Project

The Evergreen Vision is a community based planning effort to develop a vision to guide future development in the Evergreen area. The Evergreen area is defined as the land within San José's Urban Service Area (USA) boundary, south of Story Road, east of US 101 and north of Yerba Buena Road. The planning effort consists of various actions which, when considered together, would provide a comprehensive vision and framework for future development within the Evergreen area of the City of San José. These potential actions include changes in General Plan land use designations and rezoning on approximately 544 acres of land in Evergreen; formation of a Community Facilities District (CFD), which would provide a mechanism for the funding of various transportation and community improvement projects in Evergreen; adoption of a revised Evergreen Development

Policy; and adoption of design guidelines for future development in Evergreen. The 544-acre area is comprised of four separate project sites that are generally referred to as the Evergreen Vision Opportunity Sites.

The effort involves a considerable number of community outreach activities including regular public meetings by a Task Force comprised of community representatives from the Evergreen area. This Task Force is currently in the process of developing recommendations for each of the above mentioned potential actions, including specific recommendations for modification to the existing Evergreen Development Policy and future land use on each of the four Opportunity Sites.

Because the Evergreen Vision effort has not yet been completed and the Task Force has not yet arrived at their particular recommendations, the proposed land uses and development intensity have not been determined. The assumptions about the Evergreen planning project that are reflected in this cumulative impacts analysis are therefore still very preliminary and are limited to only the information available at the time this EIR was circulated.

The current Evergreen Development Policy includes a cap on the total number of residential units that can be developed within the Evergreen area. The possible modification of the Evergreen Development Policy that is under consideration would tie added capacity for additional residential units to provision of regional infrastructure improvements and new community amenities such as parks, sports facilities and community centers. A significant portion of the new residential unit capacity would be allocated to the four Opportunity Sites. General Plan and zoning changes would also be necessary on each of these sites in order for such residential development to take place. The proposed Community Facilities District, applied to the four Opportunity Sites, would provide a funding mechanism for all or a portion of the new improvements and amenities.

While the recommended or proposed land use and development intensity for the Evergreen Vision has not yet been determined, it is anticipated that adoption of a revised Evergreen Development Policy and subsequent General Plan amendments could eventually result in the conversion of existing non-residential lands for residential use, including 322 acres currently designated for Campus Industrial use. This analysis assumes an increase of 7,000 dwelling units and a decrease of 10,383 jobs, as well as the addition of approximately 650 commercial/service jobs (associated with regional and local-serving commercial uses), on approximately 544 acres within Evergreen.

Coyote Valley Specific Plan Project

The Coyote Valley Specific Plan (CVSP) is a community-based effort to develop a long-range specific plan to guide the development of the Coyote Valley area over the next 25-30 years. The Coyote Valley Specific Plan area consists of 7,000 acres of mostly undeveloped land in the southern reaches of the City of San José. It is divided into three sub-areas: North, Mid (or Central) and South. The North and Mid-Coyote Valley areas are within the City's Urban Growth Boundary (UGB). Mid-Coyote Valley is located outside the City's Urban Service Area (USA) boundary. South Coyote Valley is located outside both the UGB and USA.

The City Council initiated the current planning process for the CVSP in August 2002 and appointed a 20-member Task Force charged with guiding the preparation of the CVSP. The City's overall stated vision for Coyote is a unique, vibrant, mixed-use, transit-oriented and pedestrian-friendly community for the North and Mid-Coyote Valley areas (3,400 acres). The South Coyote Valley area (3,600 acres) is intended to be a permanent, non-urban buffer between the cities of San José and Morgan Hill, consistent with its current designation as the Coyote Greenbelt. The Specific Plan will require

amendments to the General Plan, and are anticipated to include Design Guidelines, Zoning, and a Financing, Phasing and Implementation Plan.

The City Council has approved a document entitled Vision and Expected Outcomes for the project, which states that the Plan should include a minimum of 50,000 industry-driving jobs and 25,000 housing units (with at least 20 percent affordable) and should provide for a variety of housing types, schools, parks, commercial centers, job centers, and other community services. The land use plan should be sensitive to the environment and the land uses well connected through a rich network of open spaces, trails, bicycle paths, roads, and transit. The urban design approach to the CVSP is based on the guiding principles of “smart growth” and the related goal of preventing the continuation of “urban sprawl” that has typified urban growth in much of the broader region.

The development of the CVSP has involved a broad-based community outreach process including: monthly Task Force and Technical Advisory Committee (TAC) meetings, regular community meetings, numerous stakeholder and property owner meetings, and a very comprehensive website. There will also be Planning Commission and City Council public hearings on the CVSP. The Plan is expected to be considered by the City Council in March 2006.

C. ANALYSIS OF CUMULATIVE IMPACTS

1. Cumulative Land Use Impacts

Approval of the proposals under consideration (see list of cumulative projects above) would result in substantial development/redevelopment of over 10,000 acres of land within the City of San José, including approximately 4,500 acres of vacant/undeveloped land. General Plan amendments, rezonings, and (in some circumstances) annexations would be required to allow the anticipated development. Most of the sites are located within developed, urban areas; however, the Coyote Valley and the eastern edge of Evergreen are largely undeveloped and agricultural, as is this project site.

Thresholds of Significance

Consistent with the thresholds used by the City in evaluating project-specific land use impacts, this analysis examines whether development of the cumulative projects on the list could result in the following types of land use impacts:

- Land use conflicts from placing incompatible land uses in proximity to each other. This can occur when industrial uses are constructed in an area of primarily residential development and vice versa, or when residential uses are constructed in proximity to freeways, railroad alignments, or airports. These land use conflicts can include:
 - Long-term and short-term (construction-related) noise and dust generation;
 - Hazardous materials use and/or contamination; and traffic intrusion/spillover.
- Loss of agricultural lands, including prime farmlands;
- Population and housing growth that is inconsistent with the General Plan; and
- Loss of open space.

Land Use Compatibility

In terms of the cumulative analysis, land use compatibility can be divided into short-term and long-term impacts. Short-term impacts occur during construction and primarily affect existing sensitive land uses, such as hospitals, schools, and residential development near the construction sites. These impacts include the noise and dust generated by grading and excavation activities and the use of heavy machinery, and the use of hazardous materials such as solvents. These specific impacts are discussed in greater detail in the Noise, Air Quality, and Hazardous Materials subsections of this cumulative discussion.

Locating residential and industrial areas in close proximity to each other creates the potential for long-term conflicts between the two land uses. A residential population is more sensitive to what would otherwise be sources of annoyance or nuisance to a workplace population. Residences are more likely to include sensitive populations, including children, the elderly, and the chronically ill. Residents frequently object to nighttime noise from loading docks, truck traffic and heavy equipment, outdoor lighting, truck traffic spillover into residential neighborhoods, and the use, storage, and transport of hazardous materials. These activities may be considered unacceptable to nearby residents, even if the businesses are not located immediately adjacent to the residences. These adverse land use impacts can range from minor irritations and nuisances to potentially significant effects on human health and safety.

Complaints from residents may cause restrictions to be placed on industrial businesses that are near the residential development and could limit the types of businesses that can feasibly operate at these sites.

These restrictions can lead to the devaluation of property and economic losses by limiting the uses of the affected industrial properties. For example, industrial uses might be restricted from using outdoor areas, such as loading docks and parking areas in the evening or nighttime hours. While such economic effects do not equate to environmental impacts, they may be considered as a measure of significance of the degree of conflict created between land uses, and eventually would degrade the viability of the industrial land use.

The projects included in the cumulative analysis would all be required to implement General Plan policies and to conform to residential and industrial design guidelines that are intended to minimize land use conflicts. The General Plan land use designation of Heavy Industrial is intended to protect businesses having characteristics that make them incompatible with residential and other sensitive land uses. Conformance with the City's adopted Residential Design Guidelines would require that future residential development recognize the presence of potentially incompatible land uses and that the site design be appropriate for such conditions.

Implementation of setbacks, buffers, appropriate site design and building orientation, and/or soundproofing will be considered during the site and architectural review process (either as Site Development Permits or as Planned Development Permits) on a project-by-project basis. Similarly, future development and/or redevelopment of industrial sites would be reviewed for consistency with the City's adopted Industrial Design Guidelines. Project-specific construction dust control measures during construction would be implemented at each site in accordance with the City's Grading and Zoning Ordinances and BAAQMD requirements. Construction-related noise impacts would also be mitigated on a project-by-project basis.

depending upon distances to sensitive receptors and construction methods. It is anticipated that Construction Noise Management Plans will be implemented for most projects.

Development in accordance with the City's General Plan, Zoning and Grading Ordinances, and adopted design guidelines will reduce the likelihood that the projects considered in this cumulative scenario would result in a significant cumulative land use compatibility impact. Since the project, that is the subject of this EIR, proposes to develop industrial and commercial uses on a site already designated for industrial uses, and separated from existing residences by Monterey Highway and SR 85, the proposed project would not contribute to a significant cumulative land use compatibility impact.

- **The proposed project would not significantly contribute to a cumulative land use compatibility impact. (Less Than Significant Cumulative Impact)**

Loss of Agricultural Lands

Prime farmland is defined as land with the best combination of physical and chemical features able to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. The definitions on the maps produced by the state Department of Conservation, Division of Land Resource Protection also state that lands mapped as Prime Farmland "must have been used for irrigated agricultural production at some time during the four years prior to the mapping date."

Two of the cumulative projects would result in the loss of agricultural lands, including prime farmland. The iStar project, which is the subject of this EIR, would result in the loss of approximately 80 acres of prime farmland. The Coyote Valley Specific Plan project would result in the loss of approximately 2,000 acres of prime farmland.

While lands within the Evergreen project area are designated as prime farmlands on the *Santa Clara County Important Farmland Map* (California Department of Conservation, 2002), these properties were not used for irrigated agricultural production during the four years prior to the mapping date and are therefore no longer considered to be prime farmlands.

The total loss of prime farmland from the cumulative projects would be approximately 2,080 acres. All of the land that is currently within the City's Urban Service Area, however, including the lands in Evergreen, North San José, North Coyote Valley, and the iStar property, is designated for urban uses. Their conversion from agricultural use was addressed in one or more previously prepared EIRs, including the EIR certified for the City's General Plan in 1995, and EIRs prepared for the North San José and Edenvale Redevelopment Projects and for campus industrial developments in North Coyote Valley and Evergreen. Also, the iStar project's impacts to agricultural land is evaluated in the Edenvale Redevelopment Project EIR (2000) and this EIR (refer to *Section II.A. Land Use*).

In designating these lands for urban uses, the City of San José disclosed the impact from loss of agricultural lands and adopted findings and statements of overriding considerations as required by CEQA. The projects, which are represented by this cumulative analysis within North Coyote Valley and on the iStar site, would not result in the loss of additional agricultural land beyond that disclosed in previous CEQA documents, as referenced above. These projects are the re-designation of urban designated lands for different urban uses.

Only the proposed use of lands within the mid-Coyote Valley area that would be included in the Coyote Valley Specific Plan would result in loss of agricultural land not previously approved for urban development and acknowledged in an adopted EIR.

Lands with soils that support prime agricultural uses are a finite resource. Due to development pressures, little agricultural land is left in San José or the greater Bay Area and agricultural land is rapidly being developed statewide.

- # **The approval of the Coyote Valley Specific Plan and iStar project would result in a cumulative loss of agricultural land. The project would, therefore, contribute to the cumulative loss of agricultural land. (Significant Cumulative Impact)**

Population and Housing

Historically, San José has had a shortage of jobs compared to the number of employed residents living in the City, commonly referred to as a jobs/housing imbalance. A jobs/housing imbalance, especially when there is a relative deficit of jobs, can be a source of adverse impacts because it results in longer commutes as City residents travel to other locales for employment. This same imbalance can result in financial hardships for a city due to the costs associated with providing services to residential land uses in relation to revenue generated.

In recent years, consistent with the major strategies and objectives of San José's adopted General Plan, the City has been attempting to correct this imbalance. Table 30 provides an overview of the historic and projected number of households, jobs, employed residents, and population in San José. Table 31 provides a breakdown of projected jobs and households in San José under buildout of the General Plan, both with and without the cumulative projects.

The data in Table 31 can be summarized as follows:

The City's historic jobs/housing imbalance has been decreasing, as planned.

- When compared to existing (2004) conditions, buildout under the approved General Plan will increase the number of jobs and households in San José by 233,000 (50%) and 102,600 (35%), respectively.
- When compared to existing (2004) conditions, buildout assuming approval and construction of all of the cumulative projects would increase the number of jobs and housing in San José by 221,400 (48%) and 109,600 (37%), respectively.
- When compared to buildout under the approved General Plan, approval and construction of the pending cumulative projects would decrease the number of jobs in San José by 11,500 jobs (2%) and increase households in San José by 7,000 (2%), respectively.
- The overall jobs/housing ratio under future buildout conditions will remain essentially unchanged if the City were to approve the pending cumulative projects.

| Table 30 Economic and Demographic Data for San José | | | | | | |
|---|-------------|-------------|-------------|-------------|------------------------------|---------------------------------|
| | | | | | Projected Buildout | |
| | 1980 | 1990 | 2000 | 2004 | Existing General Plan | With Cumulative Projects |
| Jobs | 231,700 | 313,400 | 432,500 | 465,000 | 698,000 | 686,500 |
| Households | 231,400 | 263,300 | 291,400 | 295,000 | 397,600 | 404,600 |
| Population | 679,700 | 808,400 | 930,700 | 944,000 | 1,272,400 | 1,294,700 |
| Employed Residents | 338,400 | 427,800 | 470,000 | 442,500 | 596,400 | 606,900 |
| Persons per Household | 2.9 | 3.1 | 3.2 | 3.2 | 3.2 | 3.2 |
| Employed Residents per Household | 1.5 | 1.6 | 1.6 | 1.5 | 1.5 | 1.5 |
| Jobs per Employed Resident | 0.68 | 0.73 | 0.92 | 1.05 | 1.17 | 1.13 |
| <i>Notes:</i> <i>Historic data are from ABAG and are for the San José Sphere of Influence, an area slightly larger than the incorporated area of the City. In this table, "households" is used to represent "dwelling units." In reality, the two numbers are almost identical. Data for jobs, population, employed residents, and households are rounded to the nearest hundred. The existing San José General Plan includes amendments through June 2005. The June 2005 General Plan amendments include the North San José Development Policies (GP04-04-06), the Hitachi Campus (GP04-02-01), and the Downtown San José Strategy 2000 (GP05-03-01).</i> <i>Sources: ABAG (Projections '96 & Projections 2005), City of San José.</i> | | | | | | |

| Table 31 Breakdown of Projected Jobs and Housing in San José | | |
|---|-----------------|------------------------|
| | Jobs | Households/DU's |
| Existing | 465,000 | 295,000 |
| Unbuilt entitlements and vacant land capacity under existing General Plan (includes 20,000 jobs in Coyote Valley and the approved North San José, Hitachi, and Downtown San José projects.) | 203,000 | 77,630 |
| Coyote Valley (not entitled, but in Existing General Plan) | 30,000 | 25,000 |
| Subtotal: Buildout under Existing General Plan | 698,000 | 397,600 |
| Effect of Major Pending Cumulative Projects | | |
| iStar | - 1,156 | --- |
| Evergreen Smart Growth | <u>- 10,383</u> | <u>+ 7,000</u> |
| Subtotal (rounded): | -11,500 | +7,000 |
| Total: Buildout under Cumulative Scenario | 686,500 | 404,600 |
| <i>Source: City of San José, 2005.</i> | | |

Thus, the approval of the pending cumulative projects would result in relatively small change in the number of jobs and households in San José in comparison to buildout of the General Plan. The approval of the iStar project, which is the subject of this EIR, would result in the net loss of 1,156 jobs. This would worsen the City's jobs/housing balance, although not reduce full build-out of the General Plan to a ratio below one job per employed resident.

- **Under existing General Plan buildout, which includes the North San José, Hitachi, and Downtown San José projects, the City would have a jobs/housing ratio of 1.17 (1.17 jobs per resident). The City, therefore, would have slightly more jobs than housing. With the approval of the pending cumulative projects, the jobs/housing ratio would slightly decrease to 1.13. The proposed project would result in 1,156 fewer jobs compared to the existing entitlements, and therefore, would slightly worsen the City's jobs/housing ratio but not to a ratio below one job per employed resident. (Less Than Significant Cumulative Impact)**

Loss of Open Space

The City's adopted General Plan identifies an appropriate balance of property planned for development within the Urban Growth Boundary, and other lands designated for permanent open space, both inside and outside of the Urban Growth Boundary. Most of the cumulative projects are located on properties that are within urban, highly developed areas of San José and are already designated for urban uses in the City's General Plan. Although the Mid-Coyote Valley Urban Reserve area is not within the City's current Urban Service Area boundary, it has been designated for development in the General Plan since 1984. With the exception of the proposed cemetery project (GP04-10-01, project #17 on Figure 23), none of the cumulative project sites, including the iStar property, are designated as permanent open space in the General Plan and would not result in the loss of open space. The cumulative projects, therefore, would not result in a cumulative loss of lands previously designated for open space use.

- **Based on the above discussion, the cumulative projects, including the iStar project, would not result in a significant cumulative loss of lands previously designated for open space use. Therefore, the iStar project would not contribute to a significantly cumulative impact on open space. (No Impact)**

Conclusion: The proposed project would not contribute to significant cumulative land use compatibility, population and housing, or loss of open space impacts. The project would, however, contribute to the cumulative loss of agricultural land. (Significant Cumulative Loss of Agricultural Land)

2. Cumulative Visual and Aesthetic Impacts

The above discussion notwithstanding, the development of the vacant lands resulting from approval and implementation of all of the projects on the cumulative list will result in the loss of approximately 4,600 (vacant +114-acre Pleasant Hills Golf Course) acres of visual open space resources within the City. This development will constitute a change in the visual character of the individual properties and an incremental change for the City as a whole. As vacant land within the City is developed, visual open spaces are lost.

Each of the major projects being evaluated in San José would result in a visual/aesthetic impact since, to varying degrees, the proposed developments would block existing views of the scenic hillsides and mountains that ring three sides of the Santa Clara Valley. For example, development of the iStar project, which is the subject of this EIR, could obstruct views of the eastern foothills. Such views are important since they essentially define the “sense of place” that is associated with living and working in a valley.

For example, while not significant by itself, new multi-story buildings associated with the proposed intensification of development in North and Downtown San José will obscure views from various vantage points from both within and adjacent to the project areas themselves.

In Evergreen and Coyote Valley, each of the proposed developments will convert large areas of open space, which is a scenic resource, to a developed environment.

For each project, visual and aesthetic effects would be lessened by implementing various mitigation measures. Such measures include incorporating parks and open space areas into specific plan and/or site designs, the use of aesthetically-pleasing architectural features in building designs, and the installation of landscaping. The substantial combined visual impacts of these significant projects cannot, however, be mitigated to a less than significant level by these measures.

Each project’s visual and aesthetic impacts would contribute to such impacts on a Citywide basis. Coupled with the substantial development of the greater San José area that has occurred in recent decades, the projects under consideration will result in the following:

- A cumulatively significant loss of visual open space in San José, estimated to be in the range of 2,000 to 3,000 acres; and
- A cumulatively significant loss of unobstructed views of the scenic hillsides and mountains that form the perimeter of the Santa Clara Valley.

There are no feasible measures that could reduce this significant cumulative visual and aesthetic impact to a less than significant level.

Conclusion: Approval of the cumulative project would result in cumulatively significant visual and aesthetic impacts. The proposed project would change the visual character of the site and would obstruct views of the eastern foothills. The project, therefore, would contribute to significant cumulative visual and aesthetic impacts. (Significant Cumulative Impact)

The above discussion and conclusion notwithstanding, it is important to note that none of the development under consideration in the list of cumulative projects would occur on lands that are designated as permanent open space, other than the proposed cemetery which would not result in a substantial loss of open space.⁷³ All of the proposed development will occur on lands that are either already developed or are designated in the current General Plan for future development. Open space areas designated in the General Plan to remain as rural/open

⁷³ The City’s adopted *General Plan* identifies substantial areas of San José’s Sphere of Influence as permanent open space for a variety of reasons, including the need to protect the quality of life for all of the people who live and work in the City.

space (e.g., neighborhood and regional parks, the eastern foothills, the baylands, and the South Coyote Greenbelt) would not be reduced by any of the projects that are under consideration in this cumulative analysis.

3. **Cumulative Transportation Impacts**

Consistent with the City of San José's practice for all General Plan land use amendments, a cumulative impacts analysis was done using the TRANPLAN computer model. The model and the methodology used in evaluating the model output are both discussed in *Section II.B. Transportation* of this EIR, and the detailed results of the cumulative analysis model run are included in Appendix D.

Thresholds of Significance

For the purposes of this cumulative analysis and consistent with the thresholds used by the City in evaluating cumulative transportation impacts from General Plan amendments, if one or more of these thresholds is exceeded, the proposed General Plan amendments would have cumulatively significant adverse impacts. Depending on the circumstances of each individual amendment, including size and location, the cumulative analysis may conclude that one or more individually proposed amendments would contribute substantially to significant cumulative impacts, or that none of the individually proposed amendments would make a more meaningful contribution to the cumulative impacts than any other.

A cumulative transportation impact is considered significant if the addition of traffic generated by the combined amendments causes any of the following to occur:

- peak direction volumes across, into, or out of any of the three special subareas increases by the percentage shown below in Table 32.
- total vehicle miles traveled (VMT) and vehicle hours traveled (VHT) both increase by 0.20 percent for all roadways in the San José Sphere of Influence; or
- the peak direction volume of LOS E/F links increases by 1.50 percent or more on any of the congested link sets analyzed for each proposed land use amendment.

| Table 32 Cumulative Screenline Thresholds | |
|--|-----------------|
| Subarea | % change |
| North San José | 0.20% |
| Evergreen | 0.10% |
| South San José | 0.20% |

Cumulative TRANPLAN Analysis

Screenline Analysis

On any roadway system, there are areas through which major travel is made, most notably commute trips. In San José, the major commute is made between job sites in the north and west areas of the City and the County, and the residential areas in the east and south areas of the City. Also of interest is the travel corridor through which commuters from the East Bay travel to get to and from job sites in North San José, Santa Clara, and Sunnyvale. Travel between these areas takes place in "travel corridors," usually defined by a freeway or a major arterial, and made up of the freeway and several parallel roadway facilities.

Screenlines for the cumulative analysis are based on the boundaries of the three City of San José special subareas: North San José, Evergreen, and South San José. Changes in peak direction volumes crossing the identified boundaries are

| Table 33 Cumulative Screenline Impacts | | |
|---|----------------------|---------------------------------------|
| Screenline Location | Volume Change | Percentage Change (Thresholds) |
| North San José | 14,797 | 49.37% (0.20%) |
| Evergreen | 3,402 | 16.71% (0.10%) |
| South San José | 4,013 | 17.50% (0.20%) |

used to determine the effects of the combined land use changes. The results of the screenline analysis are summarized in Table 33, which identifies the volume changes across each threshold, and the percentage change this represents. The thresholds of significance for changes in volume are also identified in the table.

The combined impact of all of the General Plan amendments, should they all be approved and fully implemented within the current General Plan horizon, would be significant adverse cumulative increases in traffic volumes across all three special subarea screenlines.

- **Based on the above discussion, the cumulative General Plan amendments would result in significant adverse cumulative increases in traffic volumes across all three special subarea screenlines. (Significant Cumulative Impact)**

VMT and VHT Analysis

The analysis prepared for the Cumulative General Plan scenario compared changes in VMT and VHT between the currently approved General Plan and the General Plan with all proposed amendments, for all of the roadways throughout the City's Sphere of Influence. The analysis found that the combined effect of all proposed amendments to the General Plan Land Use Transportation Diagram would result in an increase of 129,916 vehicle miles traveled in the PM peak hour, a change of 8.33 percent. For vehicle hours traveled, the analysis found a change of 5,606 hours in the PM peak hour, which is a change of 13.70 percent.

The threshold of significance identifies changes of 0.20 percent for both VMT and VHT as a significant impact. Full implementation of all of the currently proposed General Plan amendments during the General Plan horizon would result in significant increases in VMT and VHT within the City's Sphere of Influence. This would be a significant impact.

- **Implementation of all of the currently proposed General Plan amendments during the General Plan horizon would result in significant increases in VMT and VHT within the City's Sphere of Influence. (Significant Cumulative Impact)**

LOS E/F Link Analysis

This analysis is similar to that done for the project impacts, as described in *Section II.B. Transportation* of this EIR. The cumulative impact analysis, however, looks at the combined effects of all of the proposed General Plan amendments, including network changes, on *all* of the link sets identified for all of the individual amendments. Congested links are grouped in sets and are generally major parallel facilities.

Table 34 lists the sets of links that operate at LOS E or F and that would have volume increase greater than 1.50 percent under cumulative conditions. The table shows that 20 sets of links operate at either LOS E or F for the adopted General Plan base case, *and* the cumulative effects of the proposed General Plan Amendments cause the peak direction link volumes to increase by 1.50 percent or more at the identified link sets, which constitutes a significant impact.

Based on the size and location of the iStar project site, the proposed iStar project would contribute a significant number of peak-hour trips along the LOS E/F links contained in link sets GP03-02-05a (south of Capitol Expressway) and GP03-02-05d (east of Monterey Highway). These LOS E-F link sets were found to be significantly impacted with the implementation of all of the cumulative projects. Therefore, it can be concluded that the significant cumulative impacts along these two LOS E/F link sets can be attributed, at least in part, to the proposed iStar project.

- **Implementation of the cumulative General Plan amendments would result in significant increases in peak hour volumes in the prevailing peak hour directions on 14 roadway link sets, and a degradation to LOS E or F on five additional roadway links. The proposed iStar project would contribute a significant number of peak-hour trips along two link sets. (Significant Cumulative Impact)**

| Table 34 Cumulative GPA LOS E/F Link Volume Analysis (PM Peak Direction) | | | | | | |
|---|--------------------------|--------------------------------|----------------------------------|--------------------------------|------------------------------------|------------------------|
| GPA & Location | Base Volume Total | Cumulative Volume Total | Change in Link Set Volume | Average Link Set Volume | % Change in Link Set Volume | 1.50% Threshold |
| 1. GP02-07-03a South of I-280 | 25,376 | 27,736 | 2,360 | 3,625 | 65.10 | 54 |
| 2. GP02-07-03b North of Hamilton | 27,534 | 30,285 | 2,751 | 5,507 | 49.95 | 83 |
| 3. GP03-02-05a South of Capitol | 10,180 | 10,557 | 376 | 3,394 | 11.08 | 51 |
| 4. GP03-02-05d East of Monterey | 4,337 | 4,499 | 162 | 4,337 | 3.74 | 65 |
| 5. GP03-07-09a South of I-280 | 16,162 | 17,152 | 990 | 3,232 | 30.63 | 48 |
| 6. GP03-07-09b South of Tully | 20,063 | 22,124 | 2,061 | 5,016 | 41.09 | 75 |
| 7. GP04-03-02a/GP04-04-06a South of Naglee/Taylor | 14,203 | 15,542 | 1,339 | 3,551 | 37.71 | 53 |
| 8. GP04-03-02b/GP04-04-06b South of I-880 | 16,219 | 18,228 | 2,009 | 3,244 | 61.93 | 49 |
| 9. GP04-03-02c/GP-04-04-06c North of I-880 | 16,647 | 19,145 | 2,498 | 3,329 | 75.04 | 50 |

| Table 34 Cumulative GPA LOS E/F Link Volume Analysis (PM Peak Direction) | | | | | | |
|---|----------------------------------|--|--|--|--|----------------------------|
| GPA & Location | Base Volume Total | Cumulative Volume Total | Change in Link Set Volume | Average Link Set Volume | % Change in Link Set Volume | 1.50% Threshold |
| 10. GP04-03-02d/GP04-04-06d North of US 101/I-880 | 31,576 | 35,099 | 3,523 | 5,263 | 66.94 | 79 |
| 11. GP04-03-02e/GP04-04-06e South of US 101 | 14,181 | 16,958 | 2,777 | 2,836 | 97.92 | 43 |
| 12. GP04-04-06f West of I-680 | 17,887 | 19,055 | 1,168 | 2,981 | 39.18 | 45 |
| 13. GP04-04-06g East of I-680 | 12,971 | 13,058 | 87 | 2,594 | 3.35 | 39 |
| 14. GP04-04-06h South of Naglee/Jackson | 38,288 | 41,294 | 3,006 | 4,254 | 70.66 | 64 |
| 15. GP04-04-06i South of US 101 | 29,844 | 33,319 | 3,475 | 3,316 | 104.79 | 50 |
| 16. GP04-04-06j East of I-880 | 27,512 | 30,619 | 3,107 | 4,585 | 67.76 | 69 |
| 17. GP03-03-12a North of Hedding | 12,219 | 13,600 | 1,381 | 4,073 | 33.91 | 61 |
| 18. GP03-03-12b South of Julian | 8,116 | 8,741 | 625 | 8,116 | 7.70 | 122 |
| 19. GP03-03-12c West of First | 10,859 | 11,265 | 406 | 5,430 | 7.48 | 81 |
| 20. GP03-03-12d North of The Alameda | 9,132 | 9,800 | 668 | 9,132 | 7.31 | 137 |
| <i>Source: City of San José Winter-Spring 2005 Cumulative GPA E/F Link Analysis in PM Peak Direction, February 7, 2005.</i> | | | | | | |

Cumulative Effects on Designated and Exempt Intersections

The City's General Plan has for many years exempted all 58 intersections in the Downtown Core Area from conformance with the General Plan and adopted Council policies on traffic level of service. This was done for reasons described in the General Plan, including the unique nature of the Downtown Core and the unusually high degree of transit access available there. While all 58 intersections are exempt from meeting the standard of LOS D, most of the intersections operate at better than LOS D now and, based on the most recent analyses completed by the City, will continue to operate at LOS D in the future.

The City recently updated its Strategy Plan for the Downtown Core Area that includes an expanded boundary for the area, including the new City Hall site. The City proposed to exempt the 16 intersections in the Core expansion area from the LOS policies, consistent with the status of the current Downtown Core Area intersections. Due to their location and function as access to the Downtown Core Area, and the perceived need to protect adjacent

residential neighborhoods from the effects of expanding these intersections, the City is also proposed to designate 11 intersections as “Gateways” to the Downtown Core Area. These gateway intersections are exempted from the LOS policies in the same manner as intersections within the Downtown Core.

As described below, the City also approved modifications to the Council’s adopted Transportation Level of Service Policy, and has circulated an EIR that addresses the impacts of the proposed changes. Part of the approved modifications was the creation of a List of Protected Intersections. Intersections on that list are allowed to fall below LOS D, and new development projects are not required to expand the intersections’ vehicular capacity. To qualify for that list, intersections must be at infill locations and within either transit corridors or other special planning areas. The list contains 13 intersections.

Since 1985, all of the intersections in North San José have been covered by an Area Development Policy that, in accordance with existing General Plan policies, allows for a modified and less rigorous LOS standard. Under this policy, the operating standard in North San José has been that all intersections to which a proposed development would add one percent or more of capacity must operate at an average weighted LOS D rather than meet the LOS D standard on an individual intersection basis. All development that occurred under this policy was required to improve intersections that were impacted, similar to the implementation of the citywide LOS Policy. After adoption of the North San José Deficiency Plan, all development in North San José was also required to include TDM measures and on-site amenities to facilitate use of alternative transportation, and to pay a Deficiency Plan Fee.

After circulation of the LOS Policy Modifications EIR, the City prepared and circulated an EIR which addresses updates of policies that govern development in North San José, and evaluates a proposal to allow more intensified industrial/office/R&D development and a substantial amount of new high density housing within that area. In recognition of the regional nature of the traffic patterns in North San José and in light of the existing transit network in the area, the changes to the North San José Area Development Policy allows all of the North San José intersections to operate below the LOS considered acceptable under the citywide policy for the lifetime of the Area Development Policy. The policy and development project evaluated in the North San José Policy Update EIR also included substantial improvements to the existing transportation network in the area, and upgrades to the transit system (see discussion below under “Mitigation for Cumulative Traffic Impacts”). As described in the North San José Policy Update EIR, 18 of the 56 intersections in North San José are projected to operate at LOS E and F after full implementation of the project, including all of the proposed mitigation measures. Additional traffic from other sources outside North San José may cause other intersections in North San José to also fall below LOS D. The North San José Policy would not preclude that from occurring.

The North San José Policy Update EIR also addressed the impacts of adding four more intersections to the List of Protected Intersections that was created by the LOS Policy Modifications. If all of the proposed policy changes and projects that are currently proposed are approved as they are proposed, the effect would be to allow up to 158 intersections to operate under constraints that are different than the City’s adopted citywide LOS policy for at least the near-term. The categories of intersections that would not be subject to the citywide LOS standard and policies include the following:

Downtown Intersections Exempt from LOS Policy

| | |
|--|---------------------------------------|
| Downtown Core Area | 58 intersections [exempt since 1980s] |
| Expanded Downtown Core Area | 16 intersections |
| Downtown Gateways | 11 intersections |
| Total Downtown Core Intersections | 85 |

List of Protected Intersections under Revised LOS Policy

| | |
|---|------------------|
| LOS Policy Modifications | 13 intersections |
| [created new List of Protected Intersections] | |
| Additional intersections to add to | |
| List of Protected Intersections | 4 intersections |
| Total Protected Intersections | 17 |

North San José Area Development Policy

Intersections within North San José 56 intersections
[most were previously subject to North San José Area Development Policy]

The cumulative effect of approving all of these projects and policy modifications allows up to 158 intersections to fall below LOS D. Those intersections in North San José would only be exempt for the lifetime of the Area Development Policy, and most are not predicted to operate below LOS D. This is an increase of 100 intersections over the number currently exempt from the LOS Policy, although most of the intersections in North San José are already and have been for many years subject to a lower standard under the current Area Development Policy.

The proposed iStar project is not proposing to add any intersections to the list of protected intersections or intersections that would not be subject to the LOS Policy.

- **In order to conform to the City-wide LOS Policy, the proposed project would be required to mitigate its traffic and circulation impacts, and would not result in additional intersections falling below the City's LOS Policy standard. (Less Than Significant Impact)**

Conclusion: The cumulative projects will contribute to the identified significant cumulative impacts that include increasing congestion across the three special subarea screenlines, significant increases to VMT and VHT within the City's Sphere of Influence, and significant increase in peak hour congestion on already contested roadway links. The proposed project, which is the subject of this EIR, will contribute to the significant increases in peak hour congestion on already congested roadway links. (Significant Cumulative Impact)

4. Cumulative Air Quality Impacts**Clean Air Plan**

In order to satisfy the requirements of both state and federal legislation, the Bay Area Air Quality Management District prepared a Clean Air Plan (CAP) that is based on quantified analysis. This analysis includes an estimate of the amount of air pollution that will be

generated by various sources, especially vehicular traffic. The estimates of traffic are based on the General Plans for all of the jurisdictions within the district's air shed.

The CAP also identifies what measures will be implemented to reduce the pollution to levels that are consistent with the state and federal laws during the mandatory time frames (i.e., by the designated target date). The mitigations include upgraded engines and fuels, along with the planning policies required to be in cities' general plans to achieve CAP conformance.

As discussed in *Section II.D. Air Quality* of this EIR, BAAQMD identifies thresholds of significance to be used in evaluating the likely air quality impacts from proposed general plan amendments. If a project is consistent with the population projections in the version of the General Plan that was used to prepare the CAP, then it can be assumed that the project will not result in long-term air quality impacts that cannot be mitigated through implementation of the mitigation measures that are in the CAP and in the General Plan.

If growth in population is greater than assumed in the CAP emission inventory, then population-based emissions also are likely to be greater than assumed in the CAP and the analysis done for the CAP is not relevant. Consequently, attainment of the state air quality standards could be delayed, the project is inconsistent with air quality planning for the region, and will have a significant air quality impact.

Thresholds of Significance

Consistent with the thresholds used by BAAQMD for determining whether a General Plan or any amendment to a General Plan is consistent with the adopted CAP or could result in a significant air quality impact, this analysis evaluated whether the cumulative projects on the list would be consistent with either of the following:

- The population growth allowed by the local plan would exceed the values included in the current CAP, and the rate of increase in VMT for the jurisdiction is equal to or lower than the rate of increase in population; and/or
- The local plan demonstrates reasonable efforts to implement the Transportation Control Measures (TCMs) listed in the BAAQMD Guidelines.

Cumulative Air Quality Impacts

The combined projects that are evaluated in this cumulative impact analysis would change the City's adopted General Plan by increasing the population allowed by the plan by adding approximately 43,300 dwelling units and increasing the number of jobs planned in the City by approximately 102,000. As discussed elsewhere in this EIR, much of the existing traffic congestion in Santa Clara County and the region is the result of the concentration of jobs in northwestern Santa Clara County and the existence of substantial quantities of housing in the eastern and southeastern areas of the County. Air pollution in the region is primarily the result of vehicular traffic, so land use planning that increases the length and number of vehicle trips and the amount of traffic congestion would add to air pollution; land use planning that reduces numbers of trips and/or trip lengths, and/or that reduces existing congestion, would reduce air pollution.

Many of the new dwelling units and many of the new employment uses included in this cumulative scenario are proposed on infill sites, meaning locations that are within the

existing built urban area and are served by existing infrastructure. Further, consistent with the objectives of the CAP and the City's General Plan, each of the major projects being considered under the cumulative scenario is, to varying degrees, intensifying development along existing and planned rail transit corridors. North San José is served by the Guadalupe, Tasman, and Capitol LRT lines. Downtown is served by LRT and Caltrain, and is proposed to be served by the planned extension of BART. One of the Evergreen development sites is located adjacent to the planned Capitol Corridor LRT extension. The Hitachi and iStar sites are adjacent to two LRT stations and a Caltrain station. A Caltrain station is planned for Coyote Valley.

Some of the projects are proposed as redevelopment, the replacement of existing urban uses with newer, more intensive urban development. This is particularly true of the intensified development proposed for North San José and on the Hitachi property. The iStar site is immediately adjacent to Hitachi and is at an infill location, but is currently vacant and therefore not considered a redevelopment opportunity.

Depending on the numbers and specific location (including access to transit and proximity to employment), placing housing in the northern parts of the County will create fewer and shorter peak hour commute trips and less resultant air pollution. Similarly, locating jobs in the southern part of the County will generally create shorter commute trips. There would still be increased traffic with any new development, but to the extent that new housing is located proximate to both jobs and support uses (such as commercial development), the new traffic and air pollution created, especially peak hour traffic, is less than would be the case otherwise.

North San José and Downtown propose a substantial increase in the number of jobs planned in North San José and Downtown, respectively, as well as an increase in the number of dwelling units near those jobs. The proposed land use designations also allow support commercial development for both the employment and residential uses. The location of these complementary land uses will generate substantially less traffic and air pollution than would occur if the uses were located at separate locations, but there will still be some increased peak hour traffic and increased air pollution that will occur.

The proposal to place substantial new housing and mixed commercial uses on the Hitachi property would locate housing near the existing and planned employment of the Edenvale Redevelopment Area, but the traffic from that new residential development will contribute to the peak travel direction in the region and will increase both peak hour congestion and air pollution.

The proposed addition of new dwelling units in Evergreen to replace the previously planned industrial uses in that area will significantly exacerbate existing patterns of congestion in Santa Clara County, both adding residential trips to peak directions and removing the possibility of future jobs that could reduce peak traffic, and contributing to traffic-generated air pollution.

The addition of substantial quantities of housing in mid-Coyote Valley, while proximate to the planned jobs in the same area, will also contribute significant quantities of new residential traffic to existing peak traffic movements and the generation of regional air pollution.

The proposed iStar project that is the subject of this EIR will introduce a substantial amount of commercial development on land previously designated for primary employment uses. The employment represented by these commercial uses would not contribute to the primary peak hour movements, but will generate increases in traffic overall, and will contribute incrementally to peak hour congestion and associated air pollution.

The City's adopted General Plan includes all of the Transportation Control Measures identified in the BAAQMD Guidelines that can be implemented by a local government.

The cumulative effect of implementing all of the proposed projects, should they be approved, would be to substantially increase the population of the City of San José beyond the numbers projected in the Clean Air Plan. As discussed in the Cumulative Traffic section of this EIR, there would be substantial increases in traffic congestion and in VMT and VHT in San José's Sphere of Influence. While the effect of increasing the population within San José's Sphere of Influence will be to increase the air pollution generated in the Bay Area, it should be kept in mind that housing the County work force within the County is ultimately more beneficial than encouraging residential development at more distant locations, particularly through the development of agricultural land in San Benito, Santa Cruz, and Monterey Counties and in the San Joaquin Valley. Nevertheless, the effect of implementing all of these projects would be a lack of conformance with the Clean Air Plan and a cumulatively significant increase in air pollution.

Conclusion: While the proposed project would not add housing, the project would increase development on the site and would result in significant additional traffic trips. The project would itself result in significant regional air quality impacts and, therefore, would contribute to a significant cumulative regional air quality impact. (Significant Cumulative Impact)

5. Cumulative Noise Impacts

As described at the beginning of the Cumulative Impacts Section, the cumulative project sites are located throughout the urbanized area of San José. The existing noise environment of the Greater San José area is defined by typical urban activities with transportation activities being the single greatest contributor to overall noise. Transportation noise sources include vehicular noise along freeways and arterial streets, rail noise from trains and light rail, and aircraft noise. Noise from aircraft overflights associated with the Norman Y. Mineta San José International Airport affects a large area, extending both to the north and to the south of the airport. The affected area extends from the airport to the south over Downtown San José and to the north over both north San José and portions of the City of Santa Clara. Noise from aircraft overflights associated with Reid-Hillview Airport affects a much smaller area, generally limited to portions of Evergreen.

Noise levels along freeways, expressways, arterials and other streets result from a combination of traffic volumes, speed of the vehicles, and type of vehicles (i.e., percentage of heavy trucks). These variables have differing effects upon sound levels; for example, sound levels may actually be lower with higher volumes of traffic if the traffic is moving slowly in heavily congested conditions. A 26 percent increase in traffic volume will increase sound levels by one decibel if the speed remains constant. An increase of three decibels or greater is required to be perceived by the human ear; generally, traffic volumes on a given roadway

must double to cause a three decibel increase in noise levels, assuming speeds remain constant.

Thresholds of Significance

Consistent with the thresholds used by the City in evaluating project-specific noise impacts, this analysis examines whether development of the cumulative projects on the list could result in a substantial permanent or temporary increase in ambient noise levels in the project vicinity above existing levels.

The cumulative projects being considered in San José will result in the types of noise-related impacts described below.

Impacts to Cumulative Projects from Ambient Noise Levels

At various locations, it is proposed that noise-sensitive land uses (e.g., residences, schools, etc.) would be constructed on sites where existing noise levels exceed the noise/land use compatibility guidelines in San José's General Plan. Such locations are typically those adjacent to railroads or LRT lines, arterials, expressways, and freeways, beneath or near aircraft flight paths, as well as in the Downtown Core Area.

Where noise-sensitive uses are proposed at locations with elevated ambient noise levels, such impacts are typically mitigated through the use of noise-reducing building materials (e.g., noise-rated windows, insulation, etc.) and through site design (e.g., setbacks, soundwalls, placing outdoor use areas in areas that are shielded from roadway noise, etc.). The City's adopted Residential Design Guidelines and existing General Plan policies require that the need for specific mitigation measures be identified during the design review process. The design and inclusion of the mitigation measures for attached residential uses is also verified in conformance with state law prior to issuance of building permits.

Existing laws and policies will ensure that interior noise levels meet relevant standards. For infill sites in areas such as the Downtown, North San José, and Hitachi properties, the existing and anticipated noise levels from traffic and aircraft will make achieving exterior noise standards difficult. Since the project addressed in this EIR does not propose residential development or other development that needs to meet rigorous outdoor noise standards, it will not contribute to this cumulative impact.

- **Approval of the cumulative projects would result in significant cumulative noise impacts. Based on the above discussion, the proposed project, however, would not significantly contribute to cumulative noise impacts from ambient noise levels. (Less Than Significant Cumulative Impact)**

Impacts to Nearby Uses from Cumulative Project Traffic

Traffic associated with cumulative development, which is projected to be roughly 1.5 million daily trips, will increase noise along many roadways in the greater San José area. Given the high existing traffic volumes, the noise increase resulting from dispersal of these trips would

not be significant along roadways where existing volumes are high (e.g., freeways, expressways, and most existing arterials).

The noise increase associated with increased traffic trips on the roadways would, however, be significant at locations where 1) new roadways would be constructed, 2) roadway widening would move traffic closer to adjacent receptors, or 3) traffic volumes would substantially increase in relation to existing volumes. Examples of locations where roadways will be constructed or widened include Zanker Road in North San José, Yerba Buena Road/Murillo Avenue and White Road in Evergreen, Autumn Street in Downtown, and Coyote Valley Parkway and Bailey Avenue/McKean Road in Coyote Valley and Almaden Valley. Examples of locations where increases in traffic volumes will significantly increase noise include segments of North First Street, River Oaks Parkway, Coleman Avenue, North 11th Street, North Tenth Street, Taylor Street, and Julian Street. The project that is the subject of this EIR will not contribute substantial traffic to any of the impacted locations.

- **The proposed project would not result in a significant contribution to cumulative noise impacts from increased traffic on surrounding roadways. (Less Than Significant Cumulative Impact)**

Impacts from Increased Aircraft Operations Resulting from Cumulative Projects

Aircraft-generated noise is primarily a result of the number of aircraft operations (takeoffs and landings) and how loud the aircraft are. The new “stage three” aircraft account for significant reductions in sound levels. As a result of quieter aircraft, future sound levels are expected to remain similar to the existing conditions even though a large increase in the number of aircraft operations is forecast. There are normal cyclical fluctuations in the number of aircraft operations related to fuel costs, airfare prices, and other events that result in corresponding fluctuations in airport noise levels.

The net effect of the population and jobs increase under the cumulative scenario upon aircraft operations at Norman Y. Mineta San José International Airport will be less than the normal cyclical fluctuations in aircraft operations and, therefore, the cumulative noise impacts associated with Norman Y. Mineta San José International Airport would not be significant. For the same reasons, the cumulative noise impacts associated with aircraft operations at Reid-Hillview Airport are not expected to be significant.

- **The cumulative projects, including the iStar project, would not result in a significant cumulative noise impacts from increased aircraft operations. (Less Than Significant Cumulative Impact)**

Cumulative Construction Noise

The construction of these cumulative projects would result in short-term noise and disturbance at various locations throughout the City. There are factors that both exacerbate and mitigate the significance of cumulative construction noise. Factors that will tend to spread out and diffuse the effects of cumulative construction noise include: 1) these cumulative project sites are scattered throughout the City; 2) their schedules for construction are different and are likely to occur over the timeframe of the next 25 years; 3) construction noise mitigation measures are typically included as part of each project, especially major

development and public projects; and 4) all construction projects are temporary, even with multiple projects, the area of greatest impact changes, and the types of noise wax and wane as construction proceeds.

Conversely, because of the substantial amount of construction that will need to occur in order to implement the significant amount of development and redevelopment that is proposed, and due to the presence of many of these sites (particularly North San José, Downtown, Hitachi, iStar, and Evergreen) within or adjacent to existing neighborhoods and businesses, there will be a great deal of disturbance occurring over a long period of time very near existing residences and businesses. Such construction will include major upgrades to public infrastructure such as roadways, bridges, utility lines, etc. It is possible that construction may be ongoing in some areas for years, with the effects of construction noise from demolition, grading, power tools, heavy truck traffic, pile driving, etc., creating impacts on some neighborhoods for extended and/or repeated periods of time. The proximity of some of the projects to each other, such as Hitachi/iStar and North San José/Downtown would exacerbate some of the impacts, especially projects that involve substantial demolition, grading of large areas, and/or pile driving.

- **The amount of construction proposed in areas that are near enough to each other indicates that some construction noise would spill over and would result in cumulatively considerable temporary construction noise impacts. The iStar project would significantly contribute to cumulative temporary construction noise impacts. (Significant Temporary Cumulative Impact)**

Conclusion: The cumulative projects would not result in significant cumulative noise impacts from ambient noise levels, increased traffic on roadways, or increased aircraft operations. Implementation of all cumulative projects would, however, result in significant temporary cumulative construction-related noise impacts. (Significant Temporary Construction-Related Noise Impacts)

6. Cumulative Biological Impacts

Approval and implementation of the cumulative projects listed in Table 29 would directly affect development on over 10,000 acres of land in the City of San José. The cumulative project sites are shown on Figures 22-24. Of the overall cumulative development area, approximately 4,500 acres are currently undeveloped; that is, they are either in agricultural production, fallow, vacant lots, or are in a natural state and provide a higher level of biological habitat than urbanized property. Approximately 115 acres of the 4,500 undeveloped acres are currently a golf course.

Impacts to biological resources will result from the cumulative development of virtually all vacant land within the City limits that is not specifically designated for an open space use.

In addition to the cumulative projects listed in Table 29, another project/activity that should be noted in this discussion of cumulative biological resource impacts is the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). The City of San José, County of Santa Clara, Santa Clara Valley Transportation Authority (VTA), and Santa Clara Valley Water District (SCVWD) have initiated a collaborative process to prepare and implement a countywide HCP/NCCP. These Local Partners, in partnership with the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Game

(CDFG), National Oceanic and Atmospheric Administration (NOAA Fisheries), and other resource agencies and stakeholder groups will develop a long-range plan in specified areas of the county where land development activities and the continued survival of endangered, threatened, or other species of concern are in conflict. The goal of this plan is to provide the means for conservation of these species, thereby contributing to their recovery while, at the same time, allowing for compatible and appropriate development to occur. At this time, the complete list of projects (“covered activities”) to be covered by the HCP/NCCP is not known. The SCVWD may use the HCP to cover on-going flood control maintenance activities in various waterways. No large-scale water storage or flood control projects are being considered at this time. The HCP may also include consideration of the VTA’s Highway 152/156 interchange improvements project. City of San José projects would generally include various public and private activities to implement the San José 2020 General Plan.

Thresholds of Significance

Consistent with the thresholds used by the City in evaluating project-specific biological impacts, a cumulative impact to biological resources is considered significant if the proposed project, in conjunction with other pending projects, would have a substantial adverse effect, either directly or through habitat modification, on any special status species or sensitive biological habitat.

Cumulative Impacts to Sensitive Plant and Animal Species

Sensitive plant and animal species (other than Burrowing Owl, described below) are not known to occupy the North San José Development Policies project area, the Downtown Strategy Plan area, the Evergreen Smart Growth project area, the Hitachi or iStar project areas, or 13 of the 14 other General Plan amendment sites comprising the cumulative project list (Table 29).

Serpentine grassland comprises open areas dominated by native and non-native grasses underlain by serpentine soils. This habitat type is host to a variety of sensitive plant species. Small fragmented areas of serpentine grassland exist within the western portion of the CVSP area, and more expansive areas are present within the Bailey Avenue over-the-hill realignment⁷⁴ and west of the CVSP area in the vicinity of the 222-acre GP04-10-01 site (Site 17 on Figure 23). There is a moderate to high potential that two federal endangered plant species (Santa Clara Valley dudleya and Metcalf Canyon jewelflower) and a rare (CNPS list 1B) plant, most beautiful jewelflower, are present in the CVSP area northwest of Bailey Avenue, within the Bailey Avenue over-the-hill realignment, and on the GP04-10-01 site. Development of the cumulative projects may impact these sensitive plant species.

Survey data suggests that California tiger salamander (CTS), a federal threatened species, breed in ponds west of Coyote Valley and estivate in the hills surrounding the ponds. CTS have been identified and/or suitable habitat exists in the ponds, irrigation channels, and stockponds in the CVSP project area, within the Bailey Avenue over-the-hill realignment, as well as in Fisher Creek and its tributaries. The estivation habitat includes the 222-acre, GP04-10-01 site, of which approximately 165 acres would be affected under the proposed

⁷⁴ It should be noted that while the Bailey Avenue over-the-hill extension is distinguished from the CVSP project area, the roadway project is required for, and is included in, buildout of the CVSP project.

General Plan amendment. Development affecting CTS breeding and/or estivation habitat would result in a significant biological impact.

Bay checkerspot butterflies are known to occur on the serpentine hillsides east, west, and north of Coyote Valley. Critical habitat for the bay checkerspot butterfly was designated by the USFWS in 2001, and seven critical habitat units surround Coyote Valley. While surveys of some of the CVSP project area have observed no evidence of butterfly larval host plants (dwarf plantain) or adult butterfly nectar plants, there is a moderate potential for the butterfly to be present and be affected by development of the Bailey Avenue over-the-hill roadway realignment and development of GP04-10-01.

The impacts to sensitive plant and animal species described above could result from buildout of the CVSP (which includes the Bailey Avenue over-the-hill roadway extension), and development of GP04-10-01, in a geographically distinct area separate from the remainder of the cumulative projects. Since the other projects on the cumulative list would not contribute to these impacts, these project-specific impacts are not considered to result in a significant cumulative impact. Indirect impacts are discussed below.

- **The development of the Coyote Plan Specific Plan project and GP04-10-01 would result in cumulative impacts to sensitive plant and animal species. The project would not contribute to significant cumulative impacts upon sensitive plant and animal species. (Less Than Significant Cumulative Impact)**

Cumulative Impacts to Burrowing Owl and Burrowing Owl Habitat

Development of the cumulative projects will result in the loss of native and non-native grassland habitat and active and fallow agricultural land throughout the City, some of which is either occupied or potential burrowing owl breeding and foraging habitat. Development of the cumulative projects would result in the loss of a total of approximately 765 acres of burrowing owl habitat, including the North San José Development Policies Project (650 acres), Evergreen Vision (80 acres), and GP03-04-02 (Site 7 on Figure 22 = 35 acres). In addition, potential habitat exists and Burrowing Owls could be found within the CVSP and iStar project areas, and on approximately 100 acres of the Hitachi project site. (As described in *Section II.F. Biological Resources*, no burrowing owls have been observed on the iStar site and the site is not considered active habitat. Suitable habitat is present along the perimeter of the field, however, which includes all areas along the access roads on the iStar site and along fence lines. There is a potential for owls to occupy these areas prior to construction. The project site has approximately 35 acres of potential burrowing owl habitat.) The development of virtually all large pieces of vacant land in the City, as proposed by the cumulative projects, will result in significant cumulative impacts to burrowing owls and their habitat. The proposed iStar project would contribute to cumulative impacts to burrowing owls and to the loss of burrowing owl habitat.

- **Approval and development of the cumulative projects would result in a significant cumulative impact to individual burrowing owls. Although burrowing owls were not observed on the iStar project site, burrowing owls have been found in the site vicinity. Therefore, burrowing owls could occupy the iStar project site at any time. For this reason, the iStar project could contribute to the cumulative impact on individual burrowing owls. (Significant Cumulative Impact)**

- **Approval and development of the cumulative projects would result in a significant cumulative impact to burrowing owl habitat. The iStar project site contains suitable burrowing owl habitat and there is a potential for burrowing owls to occupy the site. For this reason, the proposed iStar project would significantly contribute to cumulative impacts to burrowing owl habitat. (Significant Cumulative Impact)**

Cumulative Impacts to Wetlands and Riparian Habitat

Wetlands provide critical habitat for a variety of endangered plant and animal species. They also serve a fundamental role in mitigating urban runoff by filtering out pollution before it runs into the ocean and streams and by buffering rising waters due to floods or high tides.

Riparian areas in central California support rich and diverse wildlife habitat, including breeding, nesting and foraging habitat for endangered and more common animal and bird species. Riparian corridors that connect natural areas such as the baylands and the hillsides surrounding Santa Clara County are also wildlife corridors.

Potential impacts to wetlands and riparian habitat from the cumulative projects include direct impacts and indirect impacts, as described below.

Direct Impacts

Direct impacts fill or remove wetland habitat, and typically occur from filling of wetlands to create more developable area, and construction of bridges, storm water outfalls, and other infrastructure improvements.

Buildout of the CVSP is estimated to result in permanent impacts to approximately 90 acres of wetland and riparian habitat through the realignment of Fisher Creek, filling of individual development sites, and construction of bridges and storm drain outfalls. With the exception of the CVSP project, development of the cumulative projects may require construction of bridges, storm drain outfalls, or other infrastructure that may result in minor filling of wetlands; but no other major filling of wetlands is anticipated to result from the cumulative projects.

Direct impacts to wetlands are regulated by law, as each project complies with a host of federal, state and regional permit requirements, including requirements of the U.S. Army Corps of Engineers, California Department of Fish and Game, and the Regional Water Quality Control Boards (RWQCBs). Each of these permitting authorities requires mitigation for the loss of wetland habitat. Mitigation for filling of wetlands typically requires provision of replacement wetland habitat at between a 1:1 (mitigation acreage: impact acreage) to a 3:1 ratio, depending upon the habitat value of the lost wetland acreage. RWQCB also requires mitigation, based upon the stream length impacted by a project. Mitigation is generally provided on-site or the project is redesigned to avoid impacts.

For sites with wetland habitat, compliance with permitting requirements and implementation of mitigation measures, such as those described above, would be required on a project-by-project basis to avoid or reduce wetlands impacts to a less than significant level. The proposed project site, which is the subject of this EIR, does not include wetland or riparian

habitat. For these reasons, the projects considered in this cumulative scenario would not result in a significant cumulative direct impact to wetlands and riparian habitat, and the proposed project would not contribute towards a significant cumulative impact.

The cumulative projects would not result in a significant cumulative direct impact to wetlands and riparian habitat. The proposed iStar project site does not include wetlands or riparian habitat; therefore, it will not impact any wetlands or riparian habitat. (No Cumulative Impact)

Indirect Impacts

The use of these habitats is adversely affected by the close proximity of human activity and the placement of structures. The quality of the riparian habitat and type of structures or activities adjacent to it determines the overall effect on wildlife use. In general, the greater the amount of human activity and the closer that activity occurs to riparian areas, the greater the potential for negative impacts to wildlife use.

Indirect impacts can result from placing urban development too close to wetlands or a riparian corridor, where human activity creates light, noise, or other disturbances (e.g., introduction of predatory domestic pets or people into the creek or wetland) that disturb animals or birds such that their breeding or nesting is adversely affected.

It is generally desirable, therefore, to minimize human activities adjacent to riparian habitats. This need to reduce human use has led to the development of the setback or buffer concept along riparian areas as an attempt to reduce impacts to riparian areas. While empirical evidence exists to support the concept that wildlife values of the riparian corridor can be compromised by adjacent human activity, little empirical data presently exists for the establishment of a precise setback area.

Nevertheless, riparian setbacks of up to 100 feet are often recommended by CDFG as appropriate for streams with high quality riparian habitat. These setbacks are typically measured from either the top of the bank or the outer edge of riparian vegetation, whichever is greater. In addition, the City's Riparian Corridor Policy Study indicates that "development adjacent to riparian habitats should be set back 100 feet from the outside edge of the riparian habitat (or top of bank), whichever is greater."

Many of the cumulative projects include large setback buffers that will avoid and/or reduce impacts to riparian habitat and the wildlife that uses such habitat. The North San José Development Policies Project EIR assumes that future development will observe riparian setbacks of at least 100 feet along the Guadalupe River and Coyote Creek, within which minimal human use and disturbance will be allowed. Any development proposal that encroaches within the 100-foot riparian setback will require preparation of another EIR. Similarly, the Evergreen Smart Growth Strategy EIR assumes that future development will observe a 100-foot riparian setback from Evergreen Creek and a 50-foot setback from Fowler Creek. Fowler Creek contains only minimal riparian habitat and the 50-foot setback is considered sufficient to avoid impacts.

The City's Riparian Corridor Policy will guide the provision of setbacks for any Downtown Strategy Plan redevelopment along the Guadalupe River or its tributaries, as well as future development allowed by the remaining General Plan amendments included in this cumulative

analysis. Through conformance with the Riparian Corridor Policy, these projects would not result in significant impacts to riparian habitat.

As described above, if the cumulative projects conform to the City's Riparian Corridor Policy by providing 100-foot riparian setbacks to avoid and reduce indirect impacts to riparian habitat and wildlife, then cumulative indirect impacts to wetland and riparian habitat can be avoided or reduced to less than significant levels. The proposed project, which is the subject of this EIR, does not include and is not located in proximity to wetlands or riparian habitat. For this reason, the proposed project would not result in indirect impacts to wetlands or riparian habitat.

The cumulative projects would not result in a significant cumulative indirect impact to wetlands or riparian habitat. The proposed iStar project site does not include and is not located in proximity to wetlands or riparian habitat; therefore, it will not result in indirect impacts to wetlands or riparian habitat. (No Cumulative Impact)

Impacts to Trees

The City of San José promotes the health, safety, and welfare of the City, by regulating the removal of ordinance trees on private property. Ordinance-size trees are defined as trees over 56 inches in circumference at a height of 24 inches above natural grade.⁷⁵ The removal of mature trees detracts from the scenic beauty of the City, reduces the biological diversity of species living within the City's Urban Service Area; causes erosion of topsoil and degradation of water quality in the creeks and Bay, creates flood hazards, increases the risk of landslides, reduces property values, increases the cost of construction and maintenance of drainage systems through the increased flow and diversion of surface waters, and eliminates one of the prime oxygen producers and prime air purification systems in this area.⁷⁶ The City also recognizes Heritage Trees if they meet certain age, size, species or historic criterion.

Development of the cumulative projects will result in the loss of thousands of mature, ordinance-size trees, including native trees, orchard trees, and landscape trees.

Development of the iStar project, which is the proposed project evaluated in this EIR, could result in the removal of up to 2,330 trees, 55 of which are ordinance-size (refer to *Section II.F. Biological Resources* of this EIR). The majority of the ordinance-size trees on the iStar property are in excellent health.

Buildout of the Hitachi project is expected to remove approximately 1,023 ordinance-size trees (approximately half of which are native species) and 4,514 non-ordinance-size trees. Implementation and development of the Evergreen Vision Project may result in the loss of up to approximately 3,500 trees, including hundreds of native oaks, if the trees cannot be retained or relocated.

The redevelopment of Coyote Valley and North San José will require removal of most of the trees on the individual sites. All of the trees in Coyote Valley and North San José have not been surveyed. The previously approved 688-acre Coyote Valley Research Park project in

⁷⁵ City of San José Civil Code (13.32.020).

⁷⁶ City of San José Civil Codes (Prior code Section 8930; Ordinance 13.32.010).

North Coyote Valley, that represents less than one-fifth of the total CVSP project area, would result in the loss of approximately 131 trees, 81 of which are ordinance-size. The North San José project assumes retention of small remnant sycamore riparian woodland, but most other trees (not yet surveyed) would be removed.

Any proposal to remove trees for a development project would be evaluated, taking into consideration the number, age, size, condition, and species of the trees as well as the feasibility of retaining or relocating the trees. The loss of a large number of these trees would be a significant impact. The loss of native species would be particularly significant because native tree species have a higher value than non-native trees. They are of more value because they are indigenous to this area and therefore, are adapted for long-term survival in California's soil and climate. Native tree species also provide superior wildlife habitat.

Individually significant trees, whose loss could not be mitigated by replacement planting, may be required to be moved. Most of the major projects proposed would have significant tree impacts. The cumulative effect of the removal of thousands of existing mature ordinance-size trees, many of which are native species, would be cumulatively significant.

The proposed iStar project would result in the loss of up to 55 ordinance-size trees, seven of which are native species. In comparison to the number of ordinance-size trees and ordinance-size native trees to be removed by development of the other major cumulative projects, including Hitachi, Evergreen and Coyote Valley, the loss of ordinance-size trees on the iStar project site would not be cumulatively considerable.

- **The cumulative projects would result in a significant cumulative impact to trees. The contribution to this cumulatively significant impact from the development proposed on the iStar site, however, would not be cumulatively considerable with the appropriate tree replacement. (Less Than Significant Cumulative Impact)**

Potential Disturbance to Active Raptor Nests and Occupied Owl Burrows from Project Construction

Raptors (e.g., eagles, hawks, and owls) and their nests are protected under both federal and state regulations. The federal Migratory Bird Treaty Act (16 U.S.C., Section 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. This Act encompasses whole birds, parts of birds, and bird nests and eggs. Birds of prey are protected in California under Fish and Game Code section 3503.5 (1992). Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered a "taking" by the CDFG. Furthermore, the destruction of occupied Burrowing Owl burrows is also considered a taking. Any loss of fertile eggs, nesting raptors, any activities resulting in nest abandonment, or the destruction of occupied Burrowing Owl burrows would constitute a significant impact. This significance criteria would apply to White-tailed Kites, Cooper's Hawks, Red-Shouldered Hawks, Red-Tailed Hawks, Burrowing Owls, and other birds of prey, many of which are known to nest within the cumulative projects' areas. Construction activities such as tree removal and site grading that disturb a nesting raptor on a specific site or immediately adjacent to the specific site would constitute a significant impact.

Raptors are known to nest in mature trees and sometimes on buildings. Mature trees are present on developed and vacant properties on the cumulative project sites. Since development and redevelopment at the levels of intensity proposed by the cumulative development projects will leave very little of these sites in a natural state, it is likely that a number of trees harboring raptors and their nests will be removed. The destruction of occupied raptors' nests in the trees would be a significant impact. The magnitude of this impact would vary on a project-by-project basis, dependent on the number of trees present on the various sites. See the above discussion regarding the number of trees on the cumulative project sites.

Likewise, destruction of a burrow occupied by a burrowing owl, whether during the nesting season or otherwise, would constitute a violation of the Migratory Bird Treaty Act and the Fish and Game Code. As the remaining viable habitat has diminished, burrowing owls have been found in marginal habitat locations, including landscape islands and in parking strips.

- **The cumulative projects would result in significantly cumulative impacts to nesting raptors or individual birds. The proposed project could result in the removal of up to 55 ordinance-size and up to 2,275 non-ordinance-size trees on the site. The construction of the project, therefore, could contribute to cumulative impacts to nesting raptors or individual birds, which would be a significant impact. (Significant Cumulative Impact)**

Indirect Cumulative Impacts

Steelhead rainbow trout is an anadromous form of rainbow trout that is federally listed as a threatened species. Steelhead are known to occur in the CVSP project area, spawning and spending their first years in Coyote Creek. Steelhead are also known to be present in the Guadalupe River and spawn in Los Gatos Creek. Fall-run Chinook salmon is an anadromous species that is listed as a federal candidate species. Chinook have regularly spawned in the Guadalupe River watershed. Any of the cumulative projects that would affect Coyote Creek, the Guadalupe River, or their tributaries could impact these sensitive fish species, either through direct disturbance or through erosion and sedimentation of the stream channels during construction. The proposed project, which is the subject of this EIR, is located within the Guadalupe River watershed and drains to Canoas Creek, which flows into the Guadalupe River. For this reason, the proposed project may impact sensitive fish species.

Each of the cumulative projects, including the proposed project, will be required to comply with the City of San José Grading Ordinance, the NPDES General Construction Activity Storm Water Permit to minimize and control construction and post-construction runoff and contamination of the runoff, and the 100-foot setback requirements of the City's Riparian Corridor Policy Study. Through adherence with these programs, the cumulative projects would not result in significant cumulative impacts to anadromous fish species.

In addition, there are regional planning efforts in progress to address the effects of cumulative development on fisheries. As an example, the SCVWD (with City participation) is preparing a low effect HCP for Guadalupe River, Stevens Creek, and Coyote Creek fish habitat management plan for below Anderson Dam and other watersheds. This process is known as the "Fisheries and Aquatic Habitat Collaborative Effort."

- **The cumulative projects, including the proposed iStar project, in conformance with the above programs, would not result in a significantly cumulative impact on anadromous fish species. (Less Than Significant Cumulative Impact)**

The USFWS has indicated concerns regarding the potential for nitrogen deposition from air pollution associated with overall development of urbanized areas to affect plant composition in serpentine grasslands and the bay checkerspot butterfly in the south Santa Clara County area. At this time, actual studies or information specifically related to the City projects, in terms of nitrogen deposition are not available. Further, there is no definitive scientific basis for concluding that projected nitrogen dioxide emissions from specific (or cumulative) projects in San José would impact listed species, such as the bay checkerspot butterfly, that are dependent on native plants found growing on serpentine substrates. For these reasons, a discussion of this potential cumulative impact would be speculative and is not included in this analysis.

- **The project would not contribute to a significant cumulative impact to bay checkerspot butterfly. (Less Than Significant Cumulative Impact)**

Conclusion: The proposed iStar project, which is the subject of this EIR, would not contribute to significant cumulative impacts upon sensitive plant species, wetlands or riparian habitat, anadromous fish species, or the checkerspot butterfly. The proposed project would, however, contribute to the significant cumulative impacts to burrowing owls and nesting raptors. (Significant Cumulative Burrowing Owl and Nesting Raptor Impacts)

7. Cumulative Cultural Resource Impacts

Thresholds of Significance

Consistent with the thresholds used by the City in evaluating project-specific cultural resource impacts and with the definitions in CEQA, a significant cumulative impact to cultural resources would occur if approval of two or more of the cumulative projects would cause a substantial adverse change in the significance of historic resources or archaeological resources, as defined in Section 15064.5 of the CEQA Guidelines, or disturb any human remains, including those interred outside of formal cemeteries.

Archaeological Resources

The entire San José area has a potential for containing subsurface prehistoric and historic archaeological resources, particularly near the channels of the Guadalupe River, Coyote Creek, and their tributaries. While approximately twenty-five percent of the cumulative project area has already undergone some type of development, impacts to subsurface cultural resources could still occur during ground disturbing and excavation for future development of vacant sites as well as during redevelopment of urban sites.

The North San José Development Policy Project area is bordered by the Guadalupe River and Coyote Creek. Eighteen prehistoric archaeological sites, one isolated prehistoric find, two reported but unrecorded prehistoric resources, and two Native American ethnographic villages/settlements are known to be present in that area. Prehistoric archaeological resources within and adjacent to Rincon are generally classified as midden sites formed

through extensive and intensive human occupation which modified the natural soil. Native American burials are often present in these deposits. These sites include former mounds now straddling the Guadalupe River as well as sites covered with up to four feet of sediments. There are also several unrecorded locations of reburied skeletal remains.

The Downtown Strategy Plan Area contains the Guadalupe River and is considered to have a moderate-to-high likelihood of containing prehistoric archaeological deposits, as well as a high likelihood of containing historic archaeological deposits. The Downtown Area as a whole also has a high likelihood of prehistoric and historic archaeological resources.

There are no recorded archeological sites or reported cultural resources located within or adjacent to the iStar or Hitachi project sites. No known prehistoric, ethnographic or contemporary Native American resources, including sacred places and traditional use areas, have been identified in or adjacent to either project site. Research, surveys, and subsurface investigation of the Evergreen project area have also failed to identify subsurface resources on those development sites.

Prehistoric archaeological sites have been recorded within the northern and mid-Coyote Valley areas, which contains Coyote and Fisher Creeks. These recorded sites include prehistoric and American Period (post-1850) archaeological resources, some of which have been found to be eligible for inclusion on the National Register of Historic Places (NRHP) and California Register of Historic Resources (CRHR). Native American resources include a former major village site and other habitation locations.

Nine of the 14 cumulative General Plan amendment sites are located near the Guadalupe River, Coyote Creek, or their tributaries - Canoas, Miguelita, Ross, Thompson, and Upper Penitencia Creeks. These sites have a moderate to high potential for subsurface archaeological resources.

When an archaeological resource is listed in, or eligible to be listed in, the CRHR, Public Resources Code 210874.1 requires that any substantial adverse effect to that resource be considered a significant environmental effect. Public Resources Code 21083.2(g) defines a unique archaeological resource to be an archaeological artifact, object, or site, about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- Contains information needed to answer important scientific research questions and there is a demonstrated public interest in that information, or
- Has a special and particular quality such as being the oldest of a type or the best available example of its type, or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.

If prehistoric or historic archaeological sites are encountered during any of the cumulative projects' construction and proper mitigating procedures are not implemented, a significant impact to the resource would result.

The City of San José General Plan's Goals and Policies for Archaeological and Cultural Resources recognizes the irreplaceable nature of cultural resources and requires that preservation should be a key consideration in the development review process. Each of the

cumulative projects will include the City's standard mitigation measures for reporting and evaluating cultural resources, in the event such resources are found during project construction.

Reporting and evaluation requirements would be in accordance with current archaeological standards (e.g., Archaeological Resource Management Reports: Recommended Contents and Format, California Office of Historic Preservation, Preservation Planning Bulletin 4(a); any internal City of San José reporting standards for cultural resources reports including Guidelines for Historic Reports) and evaluation criteria (e.g., NRHP, CRHR, City of San José Historic Resources Inventory guidelines).

- **In light of the above-described policies of the City of San José for mitigation of archaeological resource impacts, it is concluded that the cumulative development, including the iStar project, will not result in a cumulatively significant impact to archaeological resources. (Less Than Significant Cumulative Impact)**

Historic Resources

As San José has grown and evolved over the last 50 years, many of the residential and industrial neighborhoods have been divided, reduced and replaced by business development, roadway construction, and development of multi-family residences. This continual development in San José has resulted in the loss or relocation of many historic structures, both residential and commercial/industrial. The cumulative loss of historic structures is of great consequence. The overall historical context of San José is degraded every time a historic structure, regardless of use, is lost or incongruously relocated.

General Plan and adopted Council policies on historic resources strongly encourage the protection and adaptive reuse of significant historic structures. Because these policies provide for protection of the resources, and would characterize loss of significant historic structures as a significant impact, the programmatic analysis in the Downtown Strategy Plan EIR and the environmental review for the 14 General Plan amendments included in the cumulative projects list assumes that any structures that are found to be historic resources, as defined by CEQA Guidelines §15064.5(a), will be preserved or otherwise protected from demolition and any substantial adverse change in their historic significance. Proposals to alter such structures must include a thorough and comprehensive evaluation of the historic significance of the structure and the economic and structural feasibility of preservation and/or adaptive reuse. Every effort should be made to incorporate existing landmark structures into the future plans for their site and the surrounding area. If no such properties that meet the definition of historical resources were identified, then no further review related to historic resources would be necessary prior to the implementation of the Downtown Strategy Plan and General Plan amendment projects. If properties meeting this definition are identified, the City shall ensure that the project plans follow the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (Secretary's Standards). Pursuant to CEQA Guidelines §15064.5(b)(3), if the project plans conform to the Secretary's Standards, then potential impacts to historical resources will be considered less than significant and/or exempt from environmental review.

Since the North San José Development Policies Project, Evergreen Vision, Downtown Strategy Plan and 14 General Plan amendment projects do not identify impacts to historic resources, any future development that proposes removal or substantial adverse change in the historic significance of such resources would require preparation of another EIR.

In addition to the cumulative projects described in Table 29, there are two developments proposed in the Downtown Core and Midtown areas of the City that would result in significant unavoidable impacts to historic resources. The proposed KB Home Monte Vista Residential project would demolish Del Monte Plant #3, one of seven remaining historic cannery sites in the City. Del Monte Plant #3 is listed on the City's Historic Inventory and has been found to meet the criteria for listing in the NRHP under Criterion A, as a contributing structure to a non-contiguous historic district pertaining to the food processing and canning industries of the Santa Clara Valley. A section of the complex also appears to meet the criteria for listing on the NRHP under Criterion C (Architecture) and appears to be eligible for City Landmark status. The proposed 47 Notre Dame Residential project would demolish the former Palomar Ballroom, which is considered eligible for both the NRHP and CRHR, based on its social significance to the Chicano/Latino community in San José and is a candidate city landmark.

iStar

The existing structures on the iStar site (formerly known as the Christopher Ranch) include a fruit dehydrator (1928), two warehouses (circa 1920s-40s), an early twentieth-century cottage, a shed outbuilding, and rails for loading/processing fruit. The dehydrator was the third progressive dehydrator installed in the Santa Clara Valley and the last one to remain.

None of the existing structures on the iStar site are currently listed on the CRHR or the NRHP. The dehydrator building is not currently listed in the City of San José's Historic Resource Inventory, but has been evaluated and is considered eligible for listing as a Candidate City Landmark, as well as potentially eligible for inclusion in the CRHR and the NRHP. The project proposes to preserve the fruit dehydrator building. For this reason, the proposed project would not result in significant impacts to historic structures.

Hitachi Project

Development of the Hitachi project would result in a significant impact to historic resources. The project site contains a series of buildings in the central campus area that meet the definition of a "district" in Section 13.48.020.B of the City's historic preservation ordinance. The potential district possesses historic significance and adequate integrity; therefore, it is potentially eligible for listing on the CRHR under Criterion 1 (association with an important event) and Criterion 3 (architectural distinction). One building alone, 009/011, qualifies as an individual candidate for City Landmark status, because it is particularly distinctive as a work of the Mid-Century Modern style and possesses adequate integrity. The Hitachi project would preserve building 009/011 and its setting; however, the project would demolish or substantially alter the remaining eight buildings which contribute to the potential historic district (buildings 001, 005, 006, 007, 010, 013, 014, 015). This project, therefore, would result in a significant impact to historic resources.

Coyote Valley Specific Plan Project

Implementation of the CVSP would also result in impacts to historic resources. CVSP-area resources from the American Period (post-1850) include the hamlet of Coyote, farmsteads/ranches, residential, commercial and public properties, transportation-related and water control features, wineries, and quarries. The CVSP area includes a range of resource types such as farmsteads that may be eligible for the CRHR. The CVSP does not currently include any provisions for preservation and adaptive reuse of historic resources. While some of these buildings may be relocated to the historic hamlet of Coyote, it is unknown which buildings would be relocated, and the impact of such relocation on the significance of the resource. For this reason, the CVSP is assumed to result in significant impacts to historic resources.

Four of the 22 cumulative projects evaluated in this discussion would result in a significant impact to historic resources. The resources that would be affected by these projects are generally distinct. They are geographically separated and do not represent the same type of development. While the individual impacts do not combine to create a cumulative impact of greater severity upon any one historic period or type of resource, the cumulative loss of historic structures is significant.

- **Four of the cumulative projects would result in a significant cumulative impact on historic resources. The iStar project proposes to preserve the fruit dehydrator building; therefore, it would not have a significant impact on historic structures. For this reason, the proposed iStar project would not contribute to a cumulatively significant loss of historic resources. (Less Than Significant Cumulative Impact)**

Conclusion: The cumulative projects would not result in significant impacts to archaeological resources. The implementation of the cumulative projects would, however, result in significant cumulative impacts on historic resources. The proposed iStar project would not result in significant impacts to historic resources and therefore, would not significantly contribute to the cumulative impact on historic resources. (Less Than Significant Cumulative Impact)

8. Cumulative Geology and Soils Impacts

Thresholds of Significance

Consistent with the thresholds used by the City in evaluating project-specific geologic and soils impacts, this analysis examines whether development of the cumulative projects on the list could expose substantial numbers of people or structures to risk from seismic-related or geologic hazards, or would result in a substantial quantity of erosion or siltation.

Seismic Hazards

The San Francisco Bay Area is one of the most seismically active regions in the United States. San José is located near the San Andreas Fault Zone (SAFZ), a complex of active faults forming the boundary between the North American and Pacific lithospheric plates. Movement of the plates relative to one another results in the accumulation of strain along the faults, which is released during earthquakes. Numerous moderate to strong historic earthquakes have been generated in northern California by the SAFZ. The level of active

seismicity results in classification of the area of seismic risk Zone 4 (the highest risk category) in the California Building Code. The SAFZ includes numerous active faults found by the California Division of Mines and Geology under the Alquist-Priolo Earthquake Faults Act to be “active” (i.e., to have evidence of fault rupture in the last 11,000 years).

Many faults exist in the southern San Francisco Bay Area and some of them are capable of producing ground motions that would affect the proposed new developments. The closest large regional faults are the Hayward, Calaveras, and San Andreas Faults. The Silver Creek Fault also exists within the project area. However, the Silver Creek Fault has not ruptured during Holocene geologic time (i.e., within approximately 11,000 years) and, therefore, is not shown on the most recent fault hazard maps issued by the California Division of Mines and Geology, pursuant to the Alquist-Priolo Act. The Silver Creek Fault is not considered a significant seismic source for ground shaking in or near the project area. Other faults that may affect the project area are the Sargent Fault and the Monte Vista-Shannon Fault.

San José could potentially experience a relatively high degree of ground shaking due to a large earthquake on a major active regional fault. Because of the proximity of these faults, any ground shaking, ground failure, or liquefaction due to an earthquake could cause damage to structures. The Association of Bay Area Governments (ABAG) predicts there is a 67 percent probability that one or more major earthquakes will occur in the San Francisco Bay Area within the next 30 years. Ground shaking could damage buildings, parking lots, and utilities.

Program Mitigation

All structures in the Bay Area and their occupants are at risk of damage or injury from ground shaking in the event of an earthquake. The amount of ground shaking would depend on the magnitude of the earthquake, the distance from the epicenter, and the type of earth materials in between. Very strong to violent ground shaking will occur in the project area during expected earthquakes on the San Andreas, Hayward, and other regional faults. This level of seismic shaking could cause extensive structural and non-structural damage in buildings throughout San José.

Due to the risks associated with exposure to geologic hazards, all future development addressed by this EIR, as well as all future development at any location in San José, would be subject to General Plan policies, including the following:

- *Soils and Geologic Conditions Policy 1* states that the City should require soils and geologic review of development proposals to assess such hazards as potential seismic hazards, surface ruptures, liquefaction, landsliding, mudsliding, erosion, and sedimentation in order to determine if these hazards can be adequately mitigated.
- *Soils and Geologic Conditions Policy 2* states that the City should not locate public improvements and utilities in areas with identified soils and/or geologic hazards to avoid any extraordinary maintenance and operating expenses. When the location of public improvements and utilities in such areas cannot be avoided, effective mitigation measures should be implemented.

- *Soils and Geologic Conditions Policy 5* states that the Development Review process should consider the potential for any extraordinary expenditures of public resources to provide emergency services in the event of a manmade or natural disaster.
- *Soils and Geologic Conditions Policy 6* states that development in areas subject to soils and geologic hazards should incorporate adequate mitigation measures.
- *Soils and Geologic Conditions Policy 8* states that development proposed within areas of potential geologic hazards should not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties.
- *Earthquake Policy 1* states that the City should require that all new buildings be designed and constructed to resist stresses produced by earthquakes.
- *Earthquake Policy 3* states that the City should only approve new development in areas of identified seismic hazard if such hazard can be appropriately mitigated.
- *Earthquake Policy 4* states the location of public utilities and facilities, in areas where seismic activity could produce liquefaction should only be allowed if adequate mitigation measures can be incorporated in to the project.
- *Earthquake Policy 5* states that the City should continue to require geotechnical studies for development proposals; such studies should determine the actual extent of seismic hazards, optimum location for structures, the advisability of special structural requirements, and the feasibility and desirability of a proposed facility in a specified location.
- *Earthquake Policy 7* states that land uses in close proximity to water retention levees or dams should be restricted unless such facilities have been determined to incorporate adequate seismic stability.

Standard Construction Requirements

New construction proposed by the cumulative projects would be designed and constructed in conformance with the Uniform Building Code guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking and seismic-related hazards, including liquefaction, on the various project sites. Potential impacts associated with future exposure to the proposed projects, therefore, would be reduced or avoided by conformance with the standards specified in the Uniform Building Code for Seismic Zone 4 and with the recommendations of the structural analysis required for future development proposed on liquefaction-susceptible soils. For this reason, the projects would not be subject to significant impacts from seismic-related hazards.

It is acknowledged that seismic hazards cannot be completely eliminated even with site-specific geotechnical investigation and advanced building practices. Exposure to seismic hazards, however, is a generally accepted part of living in the San Francisco Bay Area and therefore the mitigation measures described above reduce the potential hazards associated with seismic activity to a less than significant level.

- **The cumulative projects, including the iStar project, in conformance with standard construction requirements, would not result in significantly cumulative seismic hazard impacts. (Less Than Significant Cumulative Impact)**

Geologic Impacts

Development of the proposed cumulative projects would not be affected by slope instability or volcanic hazards. The projects would not be expected to contribute to regional subsidence or long-term erosion hazards.

Soil Shrink/Swell Hazards

Soils underlying much of San José have moderate to high shrink/swell potential. This condition occurs when expansive soils undergo alternate cycles of wetting (swelling) and drying (shrinking). During these cycles, the volume of the soil changes significantly. In addition, non-uniformly compacted imported fill that has been placed in the area could experience significant differential settlement under new building loads. Structural damage, warping, and cracking of roads and sidewalks, and rupture of utility lines may occur if the potentially expansive soils and the nature of the imported fill are not considered during design and construction of improvements.

In locations underlain by expansive soils and/or non-engineered fill, the designers of proposed building foundations and improvements (including sidewalks, roads, and utilities) must consider these conditions in foundation designs. The design-level geotechnical investigations prepared for new development will include measures to ensure that potential damage related to expansive soils and non-uniformly compacted fill are minimized. Options to address these conditions may range from removal of the problematic soils and replacement, as needed, with properly conditioned and compacted fill, to design and construction improvements to withstand the forces exerted during the expected shrink-swell cycles and settlements.

Implementation of mitigation and avoidance measures, such as those described above, would be required on a project-by-project basis to avoid or reduce geologic hazards impacts associated with seismic ground shaking and shrink/swell soils to a less than significant level. The projects considered in this cumulative scenario, therefore, would not result in a significant cumulative geologic hazards impact and the proposed project would not contribute towards a significant cumulative impact. No additional mitigation measures, beyond those identified for the proposed project (see *Section II.G. Geology*) would be necessary.

- **The cumulative projects, including the iStar project, would not result in significant cumulative geology and soils impacts. (Less Than Significant Cumulative Impact)**

Conclusion: The cumulative projects, including the iStar project, would not result in significant cumulative geology and soils or seismic-related impacts. (Less Than Significant Cumulative Impact)

9. Cumulative Hydrology and Water Quality Impacts

Approval of the proposals under consideration (see list of cumulative projects in Table 28) would result in substantial development/redevelopment of thousands of acres of land within the City of San José.

Thresholds of Significance

Consistent with the thresholds used by the City in evaluating project-specific hydrologic and water quality impacts, this analysis examines whether development of the cumulative projects on the list could result in the following types of impacts:

- Exposure of people and property to the effects of flooding at locations where project sites are within floodplains;
- Increases in the volume of storm water runoff such that the capacities of the storm drainage system and/or local waterways are exceeded; and
- Degradation of surface water quality, resulting from the effects of high storm water discharges (e.g., erosion of streambanks) and non-point-source pollutants that are common constituents of urban storm water runoff.

Context of Analysis

In recent years, various federal, state, and local laws have been enacted for the purpose of minimizing the risks associated with flooding, as well as for the purpose of improving/maintaining the quality of surface waters. Such legislation includes, but is not limited to, the National Flood Insurance Program, the federal Clean Water Act, the California Porter-Cologne Water Quality Control Act, and the San José Floodplain Management Ordinance.

As a direct result of such legislation, development projects in San José are now required to undertake steps to avoid, minimize, and/or mitigate flooding and water quality impacts. These steps can include: 1) modifying site designs to reduce impervious surfaces; 2) constructing on-site storm water detention facilities; 3) constructing off-site improvements to storm water and flood control facilities; 4) maintaining open areas to preclude the blockage of flood flows; 5) constructing finished floors of buildings above base-flood elevations; and 6) incorporating Best Management Practices (BMPs) into the construction and post-construction phases of development. In addition, these requirements are now applied to projects that seek to redevelop areas that were previously urbanized, the result of which optimally is a reduction in impervious surfaces on such sites.

Conclusion: In view of the applicability of ordinances, laws, and regulations that would avoid the occurrence of significant hydrological and water quality impacts, it is concluded that cumulative hydrology and water quality impacts will not be significant. (Less Than Significant Cumulative Impact)

10. Cumulative Hazardous Materials Impacts

Most of the projects included in this cumulative analysis are proposed on properties that were previously developed with industrial or agricultural uses. It is likely that hazardous materials may have been stored and used on, and/or transported to and from some of these properties as

part of industrial or agricultural activities on the sites. These hazardous materials (such as gasoline, oil, propane, and various chemicals used in manufacturing and agriculture) may have been stored on these sites in above-ground or underground tanks. Storage tanks can leak, often resulting in soil and/or groundwater contamination. If groundwater is affected, it can impact properties downgradient of the spill. The use of pesticides and fertilizers on agricultural properties can result in widespread residual soil contamination, sometimes in concentrations that exceed regulatory thresholds.

In addition, development/redevelopment of some of the sites, including the iStar site, would require demolition of existing buildings that may contain asbestos-containing materials (ACMs) and/or lead paint. Demolition of these structures could expose construction workers or other persons in the vicinity to harmful levels of asbestos or lead. Similarly, some of the properties may be located on asbestos-containing serpentine rock soils or fill (which is the case on the Hitachi property). When this rock, which is naturally-occurring, is disturbed during construction and grading activities, there is a potential for release of asbestos fibers, which could also affect construction workers and/or persons residing downwind.

Threshold of Significance

Consistent with the thresholds used by the City in evaluating project-specific hazards and hazardous materials impacts, this analysis examines whether development of the cumulative projects on the list could create a significant hazard to the public or the environment through the transport, use, disposal, or accident release of hazardous materials;

Cumulative Hazardous Material Impacts

Consistent with the thresholds used by the City for hazardous materials impacts, the above-described conditions, which are present on most project sites to varying degrees, constitute potentially significant environmental impacts since they can lead to the exposure of residents and/or workers to substances that have been shown to adversely affect health.

Due to the risks associated with exposure to hazardous materials, for each of the projects that are under consideration, various mitigation measures will be implemented as a condition of development. Measures would include incorporating the requirements of various existing local, state, and federal laws, regulations, and agencies such as the State Department of Toxic Substances (DTSC) and Cal/OSHA, during all phases of project construction. Depending upon the extent of the chemical release, contaminated soils could be excavated and transported to appropriate landfills, or treated on-site. If groundwater is affected, remediation and on-going groundwater sampling both on the site and on surrounding downgradient properties could be warranted. Finally, determining the extent of asbestos and lead paint contamination would also be required prior to building demolition and site grading and, if present, such substances would be handled and disposed of in a manner that minimizes human exposure.

For sites with hazardous materials contamination, implementation of mitigation and avoidance measures, such as those described above, would be required on a project-by-project basis to avoid or reduce hazardous materials impacts to a less than significant level (refer to *Section II.G. Hazards and Hazardous Materials*). The projects considered in this cumulative scenario therefore would not result in individual significant unmitigated

cumulative hazardous materials impacts, and the proposed project, which is the subject of this EIR, would not contribute towards a significant cumulative impact.

Conclusion: The projects considered in this cumulative scenario would not result in individually significant unmitigated cumulative hazardous materials impacts, and the proposed project would not contribute towards a significant cumulative impact. (Less Than Significant Cumulative Impact)

11. Cumulative Utilities Impacts

Approval and full implementation of the cumulative projects listed in Table 29, in conjunction with the buildout of the City's current General Plan, would result in the construction of large amounts of new industrial, commercial, and residential development. Each of these uses would have different potential impacts upon the City's utility and service systems. Utility and service providers maintain long-term projections for demand for their services within the City based on the City's General Plan, and in many cases have developed strategies to meet the anticipated demand levels. Typically the timeframe for their demand/supply analysis is comparable to the timeframes of projects addressed here.

In the case of the Coyote Valley Specific Plan (CVSP) project, the amount of development in the proposed project is already in the City's General Plan and may have been anticipated by utility providers. Because the Mid-Coyote area is not within the City's Urban Service Area (USA), however, the urbanization in the Coyote Valley Urban Reserve has not been planned within the current General Plan horizon. Implementation of the CVSP would require an expansion of the USA boundaries. In the cases of the Evergreen and iStar projects, the proposed development would likely have similar or lesser demand upon the utility and service systems than the land uses currently shown in the City's General Plan for those respective sites. The North San José and Downtown San José projects would each increase development beyond that allowed under the adopted General Plan.

Threshold of Significance

For the purposes of this EIR, a cumulative impact to utility and service system resources is considered significant if the proposed project, in conjunction with other pending projects would exceed the current or feasible future capability of the relevant utility or service system.

Cumulative Impacts to Sanitary Sewer/Wastewater Treatment Facilities

The City's sanitary sewer/wastewater treatment system has two distinct components: 1) a network of sewer mains/pipes that conveys effluent from its source to a treatment plant, and 2) the water pollution control plant that treats the effluent, including a system of mains/pipes that recycles a portion of the treated wastewater for non-potable uses (e.g., irrigation of landscaping, agricultural irrigation, dust suppression during construction, etc.).

Sanitary Sewer System

The City of San José has adopted a level of service (LOS) policy for design of sanitary sewer mains. The levels of service range from "A" to "F," with LOS A defined as unrestricted flow and LOS F defined as being inadequate to convey existing sewer flow. To meet the City's

guidelines, new developments must meet LOS D or above. LOS D is defined as restricted sewage flow during peak flow conditions.

Apart from the Coyote Valley, the City of San José currently has wastewater collection infrastructure in place in all of the cumulative project areas. Generally this consists of varying levels of local connectors, laterals that range from six to eight inches in diameter, and sewer mains ranging in size from 10 to 30 inches. The network primarily relies upon gravity flow, supplemented by sewer lift stations and force mains at specific locations. The City is responsible for maintenance of the entire system.

The cumulative projects, as well as future development allowed under the adopted General Plan, will contribute wastewater to the existing system. As part of each project's approval process, the City will require appropriate upgrades and extensions to the existing system. The largest expansion of the sanitary sewer system would occur in the Coyote Valley. In addition, through its Capital Improvement Program, the City undertakes upgrades to the existing system, consistent with its policy objective of maintaining LOS D in the City's sanitary sewer mains.

Water Pollution Control Plant (WPCP)

San José's WPCP, which is located at the northerly end of the City, provides wastewater treatment for the Cities of San José, Santa Clara, and Milpitas, as well as five sanitary districts in Santa Clara County. The WPCP has an existing capacity to treat 167 million gallons per day (mgd) of effluent. Of this total amount, the capacity allocated to San José is roughly 106 mgd.

In 1998, the WPCP was treating an average of 142 mgd (dry weather peak), of which 94 mgd was from San José. In 2000, the WPCP was treating an average of 135 mgd. In 2002 and 2004, the plant was treating an average of 118 mgd and 117 mgd, respectively. San José's portion of the 117 mgd is approximately 73 mgd. The decline in discharge from 142 mgd to 117 mgd can be attributed, at least in part, to a decline in manufacturing uses in Santa Clara County, a general decline in industrial activity, and continuing implementation of water conservation measures through new construction. At least part of the reduction in activity is due to the economic conditions which resulted in high vacancy rates in the industrial areas of Santa Clara County.

For the reasons discussed previously in *Section II.K.* of this EIR, while the capacity of the WPCP is 167 mgd, the amount of treated wastewater that can be discharged to San Francisco Bay is limited to 120 mgd (dry weather peak). This limitation has led to the development of programs to reduce the volume of wastewater generated at the source, as well as a system that recycles some of the wastewater for non-potable uses.

The recycling of wastewater occurs through the South Bay Water Recycling (SBWR) program. The SBWR system includes over 100 miles of pipes that convey treated wastewater to portions of San José, Santa Clara, and Milpitas. The SBWR program is currently recycling, on average, approximately 10-12 mgd, with peak usage of approximately 17 mgd, of treated wastewater to over 450 customers in the three cities.

Cumulative implementation of the major planning projects identified in this document is conservatively projected to result in a total net increase in sewer/wastewater discharge of

approximately 21 mgd. Factoring in buildout of the City's current General Plan raises the projected increase in discharge by 12 mgd to a total increase of 33 mgd. This estimate does not reflect possible advances in water conservation, expanded use of recycled water or other measures that could reduce the total potential impact upon sewer and wastewater facilities. Additionally, the discharge assumed for buildout of the City's General Plan does not fully account for offsetting reductions in discharge as existing uses are displaced by future development.

The estimated total increase in wastewater discharge from buildout in San José (including the cumulative projects) of 33 mgd could be treated by the WPCP only if the existing flow from San José of 73 mgd does not increase. This statement is based on the fact that an increase of 33 mgd would not cause San José to go above its current WPCP treatment allocation of 106 mgd. If however, due to the re-occupancy of currently vacant buildings, discharge levels return to those that occurred in 2000, there would be insufficient capacity at the existing WPCP to treat the additional volume of wastewater. In any case, the 33 mgd increase in wastewater would cause the discharge from the WPCP to the Bay to exceed the 120 mgd limitation. Exceeding the treatment capacity of the WPCP could result in significant impacts to the physical environment and to human health and safety. Neither this scenario nor a situation in which the flow cap restriction of 120 mgd is exceeded would be allowed to occur, based on the requirements of Chapter 15.12 of the Municipal Code (see discussion below).

In order to accommodate treatment of all of this sewage, the WPCP may need to be expanded or satellite facilities might need to be built. Any proposal to increase WPCP capacity would require separate CEQA review and would be subject to a separate permitting process. There is at present no specific proposal to expand WPCP capacity, and to identify at this time the location or the impacts of doing so would be speculative.

The City may pursue several strategies to address demand upon the WPCP. Programs to reduce water usage will also reduce sewer/wastewater discharge, which reduces the demand for treatment capacity. The City has in recent years successfully reduced discharge to the WPCP through the ongoing implementation of water conservation programs and programs to reduce sewage generation.

Increased use of recycled water will reduce the amount of discharge from the WPCP to the Bay. All of the major projects considered in this cumulative analysis are located adjacent to existing SBWR pipelines (North San José, Downtown, and Evergreen) or adjacent to planned extensions of the SBWR pipelines (Coyote Valley, Hitachi and iStar), providing extensive opportunities for additional use of recycled water, including the possibility of double plumbing (interior uses) for recycled water use in new buildings. Active implementation of aggressive strategies to facilitate use of recycled water could reduce the actual amount of discharge from the WPCP to the Bay to acceptable levels. Under the worst case conditions used for this analysis, the City would need to increase use of recycled water by approximately 33 mgd in order to remain under the 120 mgd dry weather flow trigger.

While the impacts from increased flow to the WPCP could be significant, this impact is avoidable through increased use of recycled water, expansion of WPCP treatment capacity, and/or limitations on new development such that full buildout of the cumulative projects could not occur until capacity is available. The City may choose to not approve some of the proposed cumulative development assumed in this analysis, or development could be delayed until a later date.

Ultimately, the capacity of the WPCP to treat sewage and discharge effluent is a potential infrastructure capacity issue that could constrain full implementation of the cumulative projects, but the capacity constraint would not result in an environmental impact since the City of San José would not entitle development that would exceed the 120 mgd flow trigger discharge to impact the Bay. Every land use permit issued by the City of San José includes this standard permit condition:

Sewage Treatment Demand. Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of the Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.

As noted above, unless the City is able to substantially increase the use of recycled water, the proposed amount of development, including buildout of the current General Plan, could cause the WPCP to exceed the discharge flow limit. The City will not however issue any entitlement for development beyond the WPCP capacity including the flow trigger cap or other WPCP capacity limitations. The City will continue to monitor WPCP capacity, pursue strategies for reducing water usage and discharge to the WPCP, and increase the use of recycled water.

- **The proposed increased level of development at the iStar site would increase the amount of sewage sent to the WPCP for treatment, but would not contribute to a cumulatively significant adverse impact. (Less Than Significant Cumulative Impact)**

Cumulative Impacts to Water Service

The City of San José has three water service providers (retailers) who each serve different regions of the City that would be affected by the cumulative impacts addressed here. The San José Water Company serves the Downtown and a portion of the North San José area. The San José Municipal Water System serves the remainder of North San José and the Evergreen area as well as portions of Edenvale and Coyote Valley. The Great Oaks Water Company serves the Hitachi⁷⁷ and iStar properties. The water service provider for Coyote Valley has not yet been determined. The water distribution systems for each of these retailers are independent of each other; although they all potentially draw upon the same groundwater

⁷⁷ Great Oaks Water Company currently provides fire suppression water supply, but does not currently provide potable water directly to the Hitachi campus. However, as part of the Hitachi project, Great Oaks Water Company would serve the new mixed-use development on the site and would provide water for suppression to the entire site.

and surface water resources administered by the Santa Clara Valley Water District (SCVWD).

Based on a conservative estimate of the likely water demand for the pending projects under consideration and buildout of the City's current General Plan, the projected cumulative increase in demand is approximately 39 mgd. The water retailers draw upon various sources for their water supply, including local groundwater and surface water supplies and importation of water from outside San José's jurisdiction. While some growth in imported water supply is expected (and currently under negotiation), the predominant source of additional water supply is local groundwater. The SCVWD is in the process of modeling their long-term ability to provide groundwater to the three retailers, but their preliminary analysis suggests that they have adequate capacity and/or a viable long-term plan to address the cumulative demand of the projects under consideration here.

According to information provided, Great Oaks Water Company has sufficient supplies to serve the proposed iStar project (refer to *Section II.K. Utilities and Services* and Appendix J of this EIR). The San José Municipal Water System has identified the need to construct some additional facilities as part of their conveyance system to serve the North San José project. Additional facility improvements may be necessary for the other suppliers or for the San José Municipal Water System in other parts of the City, but these have not yet been identified. Such improvements will be identified and implemented as development occurs as part of the entitlement review process. Some facilities may also be constructed by the providers themselves through their typical business operations.

Based upon the information available, it appears that the existing sources and infrastructure for water supply are adequate to address the cumulative increase in demand due to the projects under consideration. The proposed increased level of development at the iStar site would increase water demand, but would not contribute to a cumulatively significant impact (refer to *Section II.P. Utilities and Services* and Appendix J of this EIR).

- **Approval and implementation of all of the cumulative projects, including the iStar project, would increase demand for water supply, but would not result in significant cumulative environmental impacts as a result of exceeding the identified water supply. (Less Than Significant Cumulative Impact)**

Cumulative Impacts to Storm Drainage

The City of San José owns and maintains the existing public storm drainage system throughout the City's Urban Service Area. The underground drainage system is composed of storm lines which range in size from 12 inches to 144 inches in diameter. Flows from individual sites and surface streets are conveyed by gravity flow to storm laterals and storm mains. In most cases drainage to the Guadalupe River, Coyote Creek or other tributary streams is by gravity flow through the system or by direct outflow, but in some areas water is pumped from storm mains into the stream system.

The City's standard is to provide adequate storm drainage to convey up to a 10-year storm event. In some areas of the City, notably including the Hitachi project area and the North San José area, the current storm drainage system does not provide this capacity. The City maintains a long-term plan to build out the storm drainage system to meet the 10-year standard throughout the City.

The cumulative projects analyzed in this section include both redevelopment and/or intensification of existing areas (e.g., iStar, Hitachi, North San José, Downtown) or new development on largely vacant sites (e.g. Evergreen, Coyote Valley), as well as a number of smaller infill project sites. While intensification of already developed areas will likely result in minimal increases in storm water amounts which can be largely accommodated by the existing storm drainage network, development in new areas will require the construction of new storm drainage systems.

The proposed project, which is the subject of this EIR, is anticipated to increase the amount of impervious surfaces nine times from approximately six acres to approximately 56 acres. Development on the site would increase the amount of impervious surfaces, and therefore, increase the quantity of storm water runoff from the site as compared to existing conditions. Development of the proposed project would be required to install storm drain lines and facilities for collecting and managing storm water runoff in conformance with City policies.

Downtown San José is fully developed, except for small vacant lots that are mostly paved. North San José will include expansion and improvement of the existing storm system as new development occurs under the proposed plans for intensification. In the case of the Evergreen and Coyote Valley projects, the large scale and master planning approaches underway allow for the comprehensive design, funding, and construction of storm water facilities as needed to serve the new development. Evergreen and Coyote Valley are also subject to the most stringent requirements of the City to minimize storm water runoff, consistent with policies implemented by the Regional Water Quality Control Board. As a result of compliance with these policies, these projects would not result in significant impacts upon the nearby stream systems or from exceeding the capacity of downstream storm drainage systems.

- **Development allowed under the proposed projects would in some cases generate storm water flows in excess of the capacity of existing local storm water collection systems. Construction of the planned storm water collection systems in conjunction with planned development and consistent with RWQCB policies, would not result in new significant environmental impacts. (Less Than Significant Cumulative Impact)**

Cumulative Impacts to Electricity and Natural Gas Systems

Pacific Gas & Electric (PG&E) supplies electricity and natural gas to the City of San José. Distribution of electric power is accomplished primarily through underground systems extending from various high voltage transmission lines in the area. Natural gas is distributed through a series of gas distribution lines located within street rights of way. Electric and gas utilities are available in the vicinity of the respective project areas and can be extended onto developments in the project areas. A PG&E substation is located on the Hitachi campus. PG&E has projected that planned development of the Coyote Valley will require construction of an additional electric distribution substation to provide adequate power. Additional substations may also need to be constructed in other parts of San José to serve new development.

See also the discussion of Cumulative Energy Impacts below.

Development allowed under the proposed project would not result in any identified significant impact related to the provision of electricity and natural gas. Construction of planned electric distributions substations would not result in new significant environmental impacts substantially greater or different than the individual developments they are built to serve.

- **Development of the cumulative projects would not result in significant impacts related to electricity or natural gas services. (Less Than Significant Impact)**

Cumulative Impacts to Solid Waste Systems

Commercial solid waste collection in San José is provided by a number of non-exclusive service providers and the waste may be disposed of at any of the four privately owned landfills in San José, or at landfills located elsewhere. Collection of residential waste occurs under exclusive franchise agreements between the City and two service providers, Norcal of San José and Green Team. According to the Source Reduction and Recycling Element of the General Plan prepared for the City of San José and the County-wide Integrated Waste Management Plan, there is sufficient landfill capacity for Santa Clara County's projected needs for at least 23 more years.

Recycling collection and processing services, including yard waste recycling, are provided to both single-family and multi-family residences by Norcal of San José, Green Team, and Green Waste, Inc. Recycling services, including recycling of construction and demolition debris, are available to most businesses from private recyclers. The City of San José Environmental Services Department also offers information and assistance to businesses wishing to recycle, or to expand their recycling activities.

- **Development allowed under the proposed cumulative projects would not result in an exceedance of system capacity or any other significant impacts to the solid waste system. (Less Than Significant Cumulative Impact)**

Conclusion: Development of the cumulative projects, including the iStar project, would not result in significant cumulative impacts on utilities and service systems. (Less Than Significant Cumulative Impact)

12. Cumulative Energy Impacts

As shown in the list of cumulative projects, there is a substantial amount of development that is being considered for approval in San José. To provide information regarding the magnitude of cumulative energy impacts, the estimated annual energy usage of the largest of these projects is quantified in Table 35. To put the data of Table 35 into context, the cumulative increase in electricity, 1,433 million kilowatt hours (kWhr), is eight percent of the total amount of electricity used in Santa Clara County in the year 2000.⁷⁸ Similarly, the cumulative increase in gasoline, 77 million gallons, is nine percent of the total amount of gasoline used in Santa Clara County in 2003.⁷⁹

⁷⁸ Total electricity usage for year 2000 in Santa Clara County was 17,843 million kWhr. Source: California Energy Commission. http://www.energy.ca.gov/electricity/electricity_by_county_2000.html.

⁷⁹ In 2003, Santa Clara County highway gasoline consumption was estimated to be 813,222,000 gallons. Source: Caltrans. [Office of Transportation Economics](#). 2004.

More important, as discussed in *Section II.L. Energy*, the California Energy Commission is projecting future shortages of electricity, natural gas, and gasoline during periods of peak demand. In the context of these projected shortages, the increase in energy usage that is shown in 29 would constitute a significant cumulative energy impact. This conclusion is consistent with the thresholds of significance used for energy impacts, which state that energy usage needs to be evaluated in the context of projected supplies.

There are many measures available to reduce energy consumption in both residences and businesses, as listed in *Section II.L. Energy*. Each of the projects being considered will, to varying degrees, incorporate such measures into the design of all new buildings.

It is also important to note that several of the large projects being considered (e.g., North San José, Downtown, Coyote Valley, and Hitachi) would construct residences in the vicinity of job centers. Further, all of the large projects listed in Table 29 (including the iStar project) are, to varying degrees, located along existing or planned rail corridors (LRT, Caltrain, BART, Altamont Commuter Express). Proximity of jobs to housing and the availability of efficient public transit are important goals of land use planning, as embodied in the policies of San José's General Plan, because they can substantially reduce the adverse effects of automobile usage (i.e., energy consumption, congestion, and air pollution).

One of the cumulative projects, the Evergreen Vision, would reverse a 1970s decision to designate 367 acres of land in Evergreen for roughly 5.0 million square feet of Campus Industrial uses. The 1970s decision was made for the purpose of locating jobs near the substantial supply of housing in Evergreen. The current proposal would redesignate these lands for housing which would result in longer commutes. From a transportation energy perspective, this would be an adverse impact.

Conclusion: On the basis of the above discussion, including the fact that the extent to which each project will incorporate energy-conserving measures into its design is presently unknown, it is concluded that cumulative energy impacts would be significant and unavoidable. The iStar project would significantly contribute to this cumulative impact. (Significant Cumulative Impact)

| Table 35 Estimated Cumulative Energy Usage | | | |
|--|--|--|--|
| | Natural Gas (cubic feet/year) | Electricity (kWh/year) | Gasoline (gallons/year) |
| North San José^a 32,000 residences 26,700,000 ft ² office/R&D 622,000 daily trips Subtotal: | 1,440 million 774 million 2,214 million | 208 million 481 million 689 million | 33 million |
| Downtown San José^a 10,000 residences 10,000,000 ft ² office/R&D 1,200,000 ft ² commercial 196,690 daily trips Subtotal: | 450 million 290 million 44 million 784 million | 65 million 180 million 16 million 261 million | 10 million |

| Table 35 Estimated Cumulative Energy Usage | | | |
|---|--|---|--|
| | Natural Gas (cubic feet/year) | Electricity (kWh/year) | Gasoline (gallons/year) |
| Evergreen^a 7,200 residences 75,000 ft ² commercial 60,162 daily trips Subtotal: | 324 million 3 million 327 million | 47 million 1 million 48 million | 3 million |
| Coyote Valley^a 25,000 residences 12,500,000 ft ² office/R&D 520,489 daily trips Subtotal: | 1,125 million 363 million 1,488 million | 163 million 225 million 388 million | 27 million |
| Hitachi^b 2,930 residences 460,000 ft ² commercial 34,488 daily trips Subtotal: | 132 million 17 million 149 million | 19 million 6 million 25 million | 2 million |
| iStar^a 1,000,000 ft ² office/R&D 450,000 ft ² commercial 29,352 daily trips Subtotal: | 29 million 17 million 46 million | 18 million 6 million 24 million | 2 million |
| Totals: | 5,007 million | 1,433 million | 77 million |
| <i>Notes:</i> ^a Proposed land uses are estimated maximums, based on preliminary information available at the time this EIR was prepared. ^b Project includes 3.6 million ft ² of office/R&D uses, but those uses are not included in this table because the Hitachi site presently includes 3.6 million ft ² of office/r&d uses. | | | |

13. Cumulative Impacts to Public Facilities and Services

As described in *Section III*, public facilities and services are provided to the community as a whole, usually from a central location or from a defined set of nodes. The resource base for delivery of these services, including the physical service delivery mechanisms, is financed on a community-wide basis, usually from a unified or integrated financial system. The service delivery agency can be a city, county, service or special district. Usually, new development will create an incremental increase in the demand for these services; the amount of demand will vary widely, depending on both the nature of the development (residential vs. commercial, for instance) and the type of services, as well as on the specific characteristics of the development (such as senior housing vs. family housing).

The cumulative impact of a group of projects, as with a particular project, on public facility services is generally a fiscal impact. By increasing the demand for a type of service, a group of projects could cause an eventual increase in the cost of providing the service (more personnel hours to patrol an area, additional fire equipment needed to service a tall building,

etc.). That is a fiscal impact, not an environmental one. CEQA does not require an analysis of fiscal impacts.

CEQA analysis is, however, required if the increased demand is of sufficient size to trigger the need for a new facility (such as a school or fire station), since the new facility would have a physical impact on the environment. CEQA requires that an EIR then identify and evaluate the physical impacts on the environment that such a facility would have. To reiterate, the impact that must be analyzed in an EIR is the impact that would result from constructing a new public facility (should one be required), not the fiscal impact of a development on the capacity of a public service system.

As described in the introduction to this Cumulative Chapter, the City of San José is currently considering six major long-term projects that propose development and/or intensified redevelopment on approximately 10,175 acres, as well as 14 other General Plan amendments that together cover approximately 340 acres. When compared to buildout under the approved San José General Plan, approval and buildout of all of the cumulative projects would result in a net increase of approximately 102,000 jobs and 45,000 dwelling units.

Fire and Police Protection

Fire protection for the City is provided by the City of San José Fire Department (SJFD). The SJFD also participates in a mutual aid program with Saratoga, Morgan Hill, Campbell, Milpitas, and Santa Clara. Through this program, should the SJFD need assistance above and beyond what is available within the City, one or more of the mutual aid cities would provide assistance. The SJFD includes 31 fire stations located throughout the City, which house 31 engine companies, eight truck companies, three Urban Search and Rescue (USAR) truck companies, one Hazardous Materials Incident Team (HIT), five Battalion Chiefs, one Paramedic Supervisor, and one Arson Investigator.

Police protection services are provided by the City of San José Police Department (SJPD). Police are dispatched from police headquarters located at 201 West Mission Street. The SJPD consists of 16 districts with 83 beats.

The \$159 million Public Safety Bond Program approved by voters in March 2002 funds capital projects for the Fire and Police Departments and includes: a public safety driver training facility, new and upgraded 911 communications facilities, an improved training center, a new police substation, new fire stations, fire stations to be relocated, new community policing centers, and upgrades to existing fire stations.

These public safety projects are intended to be implemented over the next decade and would be available to serve the population produced by the cumulative group of projects. Increased public safety staffing and purchase of equipment is evaluated by the City during the normal budget process, based on then current conditions.

The new construction that would occur as a result of the cumulative projects includes the redevelopment of older commercial and industrial buildings that may use hazardous materials as well as construction on parcels that are currently vacant. New buildings would replace aging buildings with structures built to current fire code standards.

The net increase in the amount of development that would exist in the City under the cumulative scenario, particularly the increased residential development, will increase calls for fire and police services. As described above, the City is undertaking a capital improvement program that includes the anticipated development of new fire stations, fire stations to be relocated, and upgrades to existing fire stations. There is currently no specific proposal, however, to build specific new fire station(s) or new or expanded police facilities as a result of the additional demands that would arise from development of these cumulative projects. As mentioned in *Section III. Availability of Public Services*, Hitachi is currently planning to sell a portion of its site to the City of San José, and the City plans to develop the property as a Police Substation. This police substation facility is not specifically necessary, however, to meet the needs of just iStar and Hitachi for police services.

Increased demands for service may be offset by expansion of existing stations, including additional staffing. In the event that future development patterns (including the specific location of new development) and/or service demands indicate that a new fire station is needed in a given area of San José, a suitable location for construction of a station would be identified and provided within the project area. Increased demand for services is not necessarily an environmental impact. The environmental impact, if it does occur, generally results from the impacts on the physical environment that result from the physical changes made in order to meet the demand.

Construction of a new fire station or police facility, if required, would require environmental review. Since specific sites for such construction cannot be identified at this time, it cannot be stated conclusively that significant environmental impacts would or would not occur. The construction of a local fire station on land in any of the six major project areas would contribute incrementally to the impacts of development identified for each of the six projects, but is not anticipated by itself to have new or substantially different significant adverse environmental impacts. Further discussion at this time of the impacts that might result from building an additional public safety facility would be speculative.

The following General Plan goals and policies would ensure that police and fire services are maintained at adequate levels and that implementation of the cumulative projects would result in a less than significant impact to police and fire services.

- *Services and Facilities, Policy 16:* For police protection, achieve a response time of six minutes or less for 60 percent of all Priority 1 calls; achieve a response time of eleven minutes or less for 60 percent of all Priority 2 calls.
- *Services and Facilities, Policy 17:* In reviewing major land use or policy decisions, the City should consider the availability of police and fire protection, parks and recreation, and library services to the affected area as well as the potential impacts of the project on existing service levels.
- # **The cumulative projects, including the proposed project addressed in this EIR, would not result in a significant contribution to cumulatively significant fire and police protection impacts. (Less Than Significant Cumulative Impact)**

Parks and Recreation Cumulative Impacts

The City of San José currently manages 3,561 acres of regional, neighborhood, and community parkland. The City provides developed park lands, open space, and community facilities to serve its residents. Some recreation facilities available to San José residents are also provided by other public agencies, such as playgrounds and fields on public school sites, County parks, and City trails on Santa Clara Valley Water District lands. Park and recreation facilities vary in size, use, type of service, and provide for neighborhood, citywide, and regional uses.

The City of San José has 160 neighborhood parks, 18 community gardens, and eight regional parks. Amenities can include basketball courts, bar-b-ques, exercise (par) courses, picnic tables, playgrounds, restrooms, soccer fields, softball fields, swimming pools, and tennis courts. In addition to parks, recreational facilities include community centers, trails, and open space preserves.

In November of 2000, the voters of San José overwhelmingly approved the passages of two general obligation bond measures. Seventy-five (75) of the 96 Park Bond projects have been delivered to residents of San José as part of the Safe Neighborhood Parks and Recreation Bond.

The City's General Plan has established level of service benchmarks for parks and community centers. The City has a service level objective of 3.5 acres of neighborhood and community serving recreational lands per 1,000 residents, of which a minimum is 1.5 acres of City-owned neighborhood, community, or locally serving regional/City-wide park lands and up to two (2) acres of school playgrounds. All of these lands are located within a reasonable walking distance from the surrounding residences, 7.5 acres of regional/City-wide parkland per 1,000 population, and 500 square feet of community center floor area per 1,000 population.

Assuming 3.2 persons per household, the 44,600 dwelling units proposed by the cumulative projects would result in approximately 142,720 residents and a corresponding cumulative demand for approximately 500 acres of neighborhood serving parks, 1,070 acres of regional parkland, and 71,360 square feet of community center space. The projects proposing higher density residential development will produce fewer residents, typically 2.29 for high density housing, than the Citywide average noted above, and so the actual cumulative demand for parkland is likely to be less than described above.

Implementation of the cumulative projects would result in a substantial increase in San José residents. The proposed project, which is the subject of this EIR, does not propose residential uses, therefore, it would not impact park or recreational facilities.

The project would not contribute to cumulative impacts upon parks and recreation facilities. (No Impact)

Library Service Impacts

The San José Public Library System consists of one main library and 18 branch libraries. The Dr. Martin Luther King Junior Main Library is located on the corner of San Fernando and Fourth Streets in downtown San José, and the 18 library branches are located throughout the City. In addition to the San José Public Library system, Santa Clara County also has a network of eight libraries within the County's municipalities, as well as a bookmobile. The Alum Rock Library, located at 75 South White Road, is the only County library located in San José.

The San José General Plan benchmarks for library services are 10,000 square feet of library space per 36,000 population, and 18.3 weekly service hours per 10,000 population. In November 2000, the Branch Library Bond Measure was approved to help achieve General Plan library services goals. The measure will provide 212 million dollars over the next ten years for six new and 14 expanded branch libraries.

The additional demand for library service resulting from growth allowed by the cumulative projects will impact individual neighborhood branches in the areas where growth would occur, and the Martin Luther King, Jr. Main Library. As population grows and service demands increase, additional library services would be required. The resources to meet the increased demands could include some or all of the following:

- expanding the physical size of branches and main library;
- adding new branches;
- enlarging materials collections;
- expanding/redefining collections to accommodate changing technologies;
- increasing staff; and
- providing additional services not currently provided.

Developing the proposed amount of new housing in North San José, Evergreen, and Coyote Valley would create a significant new demand that would exceed the resources and service capacity of existing and nearby libraries, and could trigger the need for new libraries in each of the major project areas. The ultimate buildout of these projects is likely, therefore, to include a new branch library or substantial expansion of existing libraries in these areas of San José. Future development of a library in the six major project areas would require supplemental environmental review. Each of the six major projects are planned in geographically distinct areas of the City, and would be served by branch libraries located within their respective project area and not contribute to cumulative impacts on branch libraries in other areas of San José. The proposed project, which is the subject of this EIR, does not propose residential uses and therefore, would not impact library facilities.

- **The cumulative projects would increase the number of people using library facilities in the City, and may trigger the need for a new library in a particular project area, particularly in North San José, Evergreen, and Coyote Valley. In the event that a new library is needed in a given project area, it is assumed that it would be constructed near the planned residential development, at a location suitable for library use. The proposed project does not propose residential uses and therefore, would not contribute to library impacts. (No Impact)**

School Impacts

Santa Clara County has 33 school districts and 345 schools. The cumulative projects are located in areas of San José serviced by eight school districts:

San José Unified School District
East Side Union High School District
Orchard School District
Santa Clara Unified School District
Oak Grove School District
Evergreen School District
Mount Pleasant School District
Morgan Hill Unified School District

The purpose of this cumulative analysis is to forecast the combined effect of the cumulative projects on school districts where a school district serves more than one of the cumulative projects.

The Orchard School District and Santa Clara Unified School District would be impacted by the North San José project. The other cumulative projects would not contribute students to these districts.

The Oak Grove School District and the East Side Union High School District (ESUHD) would be impacted by the Hitachi project. The other cumulative projects would not contribute students to this district.

The Evergreen School District and the Mount Pleasant School District would be impacted by the Evergreen project. The other cumulative projects would not contribute students to these districts.

The Morgan Hill Unified School District (MHUSD) may accommodate the students generated by the Coyote Valley Specific Plan (CVSP), or potentially a new school district could be formed. The other cumulative projects would not contribute students to the MHUSD or a new school district. Additionally, the students generated by the dwelling units to be built under the CVSP are not anticipated to be accommodated by other Santa Clara County school district(s), so the CVSP is not expected to contribute to a cumulative impact to schools.

The iStar project is located within the service area boundaries of Oak Grove School District and ESUHD, but proposes no residential development, therefore, no students would be generated.

Two of the eight school districts would be impacted by more than one of the cumulative projects. The anticipated cumulative impacts on these school districts are described below.

San José Unified School District

The San José Unified School District (SJUSD) is located in central San José and includes land in the North San José and Downtown project areas. The SJUSD served 32,351 students from Kindergarten to Grade 12 in 2002-2003, and is comprised of 54 schools consisting of 31

elementary schools, seven middle schools, seven high schools, seven continuation schools, one charter school, and one alternative school. Within the SJUSD boundary, the North San José project could generate approximately 383 elementary students, 184 middle school students, and 240 high school students. The 10,000 multi-family dwelling units proposed with the Downtown project will generate an estimated 2,000 to 5,000 students, depending upon the unit types and sizes ultimately developed.

The SJUSD is in the process of closing schools through its School Closure and Transition Plan. Due to the presence of surplus schools within the SJUSD, the proposed North San José and Downtown projects may not require construction of new facilities.

East Side Union High School District

The East Side Union High School District (ESUHSD) is located in the eastern portion of San José and includes land in the North San José, Hitachi, iStar, and Evergreen project areas. The ESUHSD is comprised of ten high schools, five continuation schools, and four charter schools. During the 2001-2002 school year, the ESUHSD had a total of 24,409 students enrolled in grades 9-12. The North San José project could generate approximately 566 high school students that would attend schools in the ESUHSD. The Hitachi project could generate approximately 586 new high school students. The Evergreen project could generate between 300 and 400 new high school students. None of the other cumulative projects, including the proposed project that is the subject of this EIR, are anticipated to generate students in this school district.

Based on the above-described estimates, the cumulative student generation within this school district by the projects under review is anticipated between 1,450 and 1,550 high school students. The ESUHSD is anticipated to accommodate these additional students by adjusting their school attendance boundaries to enroll project generated high school students at schools within the district that are under capacity, such as Yerba Buena High School, James Lick High School, and Overfelt High School.

See discussion below for mitigating impacts to school capacity.

- **Implementation of the cumulative projects would have a significant cumulative impact on the San José Unified School District and the East Side Union High School District. The proposed project, which is the subject of this EIR, does not propose residential uses and therefore, would not generate any students. For this reason, the proposed project would not contribute substantially to a significant cumulative impact on schools. (No Impact)**

Conclusion: The cumulative demands upon urban services are collectively substantial, but would not necessarily constitute a significant impact. Impacts on city services including police protection, fire protection, libraries, parks and recreation can be mitigated to a less than significant level by permitting the approval only of development that does not exceed the City's adopted level of service standards. New development approvals are required to comply with general plan services and facilities policies.

The iStar project, which is the subject of this EIR, does not propose residential uses. For this reason, the proposed project would not substantially contribute to significant

cumulative impacts on fire and police protection, or library, park, recreation, school facilities. (Less Than Significant Cumulative Impact)

D. MITIGATION FOR CUMULATIVE IMPACTS

1. Mitigation for Cumulative Land Use Impacts

Agricultural Land

The development of the iStar and Coyote Valley project would result in the cumulative loss of agricultural land. There are no mitigation measures, other than avoidance, that would reduce the loss of agricultural land resulting from the development of these projects. The iStar project would contribute to the significant cumulative loss in agricultural land. **(Significant Unavoidable Cumulative Impact)**

2. Mitigation for Visual and Aesthetic Impacts

Available mitigation measures to reduce the visual impacts associated with change in character and the loss of visual corridors and open space (including planning for permanently protected open space and inclusion of landscaping with development project) are assumed to be in place and/or included in all of the proposed projects. The significant unavoidable visual impacts that would result from approval and implementation of all identified projects are therefore significant and unavoidable. Implementation of the proposed iStar project would change the visual character of the site and would obstruct views of the eastern foothills, therefore, the iStar project would contribute to these cumulatively significant impacts. **(Significant Unavoidable Cumulative Impacts)**

3. Mitigation for Cumulative Transportation Impacts

Mitigation for Cumulative Traffic Impacts

The data summarized above indicate that the approval and implementation of all of the pending General Plan amendments and major long-term planning projects that were evaluated in this cumulative analysis would result in significant and unavoidable traffic impacts. The scale of the cumulative traffic impacts would be substantial, affecting traffic operations on numerous freeways and local streets throughout much of San José and in neighboring communities.

Overview of Traffic Mitigation at the Cumulative Level

Mitigation for cumulative traffic impacts of a widespread nature, such as that described above, requires a comprehensive approach that addresses both “demand” and “capacity.”

Demand, defined as the number of vehicles desiring to use the roadway system at a given time, can be greatly affected by a variety of factors, including the following:

Land Use Factors: This consists of planning for growth in a manner that reduces the number and length of single-occupancy vehicle trips. Specific measures include locating employment and retail uses near residential uses, encouraging infill development and discouraging sprawl through tools such as Urban Growth

Boundaries (UGBs), and adopting policies that encourage higher density development along transit corridors.

Policy Factors: This consists of adopting policies that provide incentives for commuters to switch from single-occupancy vehicles to alternative forms of transportation. Such measures can include tax benefits for employer-subsidized transit passes, preferential or free parking for carpools, and designated travel lanes for carpools and buses. In some cases, large developments can be required to fund and operate shuttles that provide connections to nearby public transit systems. Policies that reduce level of service standards for peak hour traffic operations can also reduce demand because the resulting increased congestion becomes a disincentive to solo driving when compared to alternative modes.

Design Factors: This category consists of incorporating features into the design of a project that facilitate the use of alternative transportation. Examples include providing showers and storage lockers at employment centers to facilitate bicycling, constructing transit shelters or other amenities for transit users, and constructing attractive pedestrian facilities such as sidewalks and appropriately lit pathways.

Capacity is defined as the ability of the transportation system to accommodate demand. Increases in capacity can take the form of physical improvements, operational improvements, or both:

Physical improvements can include new/wider highways or other roadways, new interchanges/grade separations, widened intersections, new/extended rail lines, and new/expanded transit centers.

Operational improvements can include the interconnection/coordination of traffic signals, new/expanded bus routes, new rail service on existing lines, and increasing the frequency of transit service.

Depending on the nature and complexity of the improvement, increases in transportation capacity can require participation by governmental agencies at the federal, state, regional, and/or local levels. At the federal level, participation is usually limited to funding. At the state level, participation involves funding and, in the case of Caltrans, implementation of improvements to freeways and state highways. At the regional level (e.g., Metropolitan Transportation Commission), participation involves establishment of priorities for the funding of highway and transit improvements in the San Francisco Bay Area. At the local level, the VTA (acting as the County Congestion Management Agency) sets the goals and priorities for improvements to the Santa Clara County transportation system, as embodied in the *Valley Transportation Plan 2030* (VTP 2030). The City of San José and neighboring cities implement improvements to local roadways and, through the development review/approval process, require new development to fund/implement transportation system improvements.

VTP 2030, which was adopted by the VTA Board of Directors in February 2005, notes that projected growth in Santa Clara County over the next 25 years will be substantially greater than planned increase in roadway capacity. For example, the Plan notes that the projected 36 percent increase in jobs and 27 percent increase in population will far exceed the estimated 5.6 percent increase in freeway capacity from planned projects. The Plan states that “the

ability to expand the roadway system to accommodate more vehicles is approaching practical limits.”

Recognizing that increases in highway capacity will be inadequate to accommodate projected growth, VTP 2030 includes major expansions of both rail (e.g., LRT, BART, Caltrain, ACE, and Capitol Corridor) and bus transit systems. The ability of the VTA to construct and operate these expanded systems will depend on a number of factors, not the least of which will be financial viability. A key component of financial viability will center on the degree to which people utilize the transit systems, instead of driving their cars. To the extent that the significant traffic congestion that is described in this EIR becomes an incentive for persons to utilize public transit, such increased ridership will, in turn, improve the ability of the VTA to implement further improvements over the long term.

It has been the City’s practice in the past to rely heavily on conformance with the General Plan Traffic Level of Service Policy and its implementation through adopted Council Policy on Transportation Level of Service to ensure that traffic impacts, especially increased intersection congestion, would be minimized or avoided. Part of this cumulative analysis includes proposed modifications to those policies. Strict adherence to LOS standards at critical infill locations will inhibit the City’s ability to approve appropriate higher density infill development within the existing UGB. The City has recently approved modifications to the LOS Policy to relax the LOS standard at a few designated intersections in transit corridors or other special planning areas where higher intensity development and increased reliance on transit and other transportation modes can support the planned development. Additionally, the modifications to the LOS Policy require new development to implement traffic calming and other improvements to alternative transportation modes, in order to both offset the incremental reduction in intersection capacity and to protect residential neighborhoods from spillover traffic.

Cumulative Traffic Mitigation

Given the magnitude of the cumulative traffic impacts that are described above, no feasible mitigation was identified that would reduce the impacts to a less than significant level. This conclusion notwithstanding, it is important to summarize the mitigation/avoidance measures that are included in the projects under consideration in this cumulative scenario.

- Consistent with the policies and strategies of the General Plan, all of the projects are infill development within San José’s UGB.
- Consistent with adopted City policies and policies embodied in various regional transportation and clean air plans, each of the six large projects (i.e., North San José, Downtown, Evergreen, Coyote Valley, Hitachi, and iStar) include a proposed intensification of development along existing/planned rail corridors.
- Four of the six large projects (North San José, Downtown, Coyote Valley, and Hitachi) include new residential land uses proximate to existing/planned job centers.
- As applicable, each project will include facilities (e.g., showers, bike lockers, transit amenities, pedestrian pathways, etc.) that facilitate use of alternative modes of transportation.

- The North San José project includes a comprehensive package of roadway improvements (including upgrades to freeway, expressway, and local street facilities), and a financing plan for their funding. The North San José project is also proposing improvements to the transit system.
- The Downtown Strategy 2000 project includes a comprehensive package of roadway improvements (including upgrades to US 101, I-280, and SR 87 freeway ramps, and local street facilities such as the new Autumn Street connection and Coleman Avenue widening).
- The Evergreen project contains a comprehensive package of highway improvements (including upgrades to US 101, White Road, and local intersections), and a financing plan for their funding.
- The Coyote Valley project will include improvements to interchanges on US 101, new/widened roadways in Coyote Valley, and the widening of Bailey Avenue between Coyote Valley and Almaden Valley. The Coyote Valley project is also envisioned to include a fixed guideway transit system.

These measures will have the effect of reducing cumulative traffic impacts, compared to that which would occur in the absence of such measures. The measures would not, however, be sufficient to reduce impacts to a less than significant level. Given the practical limitations on future roadway expansions, further reductions in cumulative traffic impacts will be largely dependent upon long-term changes in the behavior of commuters. Such changes will be necessary in order to reduce the overwhelming dependence on single occupant automobile transportation that is the basis of both the project specific and cumulative traffic impact analyses. This EIR does not assume that such change will occur during the current General Plan horizon.

Changes in commute behavior (i.e., relying less on single-occupant automobile transportation) may, over time, reduce the significant traffic congestion identified in this cumulative impacts analysis. Government actions that encourage use of alternative transportation and discourage reliance on single-occupant automobiles, consistent with the City's General Plan and the Countywide Congestion Management Plan, are specific actions that also might be taken to reduce the significant traffic impacts. A significant reduction in cumulative traffic congestion, however, is unlikely to occur during the current General Plan horizon. **(Significant Unavoidable Cumulative Impact)**

4. Mitigation for Cumulative Air Quality Impacts

The City's adopted General Plan includes all of the Transportation Control Measures identified in the BAAQMD Guidelines that can be implemented by a local government. Goals and objectives for all of the six major projects evaluated in this cumulative section include designing for transit access where such design is feasible. As development is proposed, the City evaluates specific development design for consistency with the General Plan policies.

The proposed iStar project includes access improvements to the existing transit system, development of a street system that is compatible with alternative transportation modes (including walking and bicycling), and the development of adjacent mixed uses. All of these

measures are consistent with the BAAQMD Guidelines for reducing long-term air quality impacts, and with the provisions of the CAP.

While there are no specific measures identified that would reduce air quality impacts to a less than significant level, the proposed project includes all feasible measures to reduce long-term air quality impacts. While the cumulative projects would not be consistent with the population projections in the current CAP, the inclusion of TCMs and design measures to support alternative transportation modes and the provision for improvements to the existing transit system are consistent with CAP policies. The project's contribution to the cumulatively significant air quality impacts, however, would still be significant and unavoidable. **(Significant Unavoidable Cumulative Impact)**

5. Mitigation for Cumulative Noise Impacts

While short-term impacts of many individual construction projects can be minimized or reduced to less than significant (refer to *Section II.C. Noise* of this EIR), the cumulative impacts of construction noise in areas planned for multiple or very large developments would be significant and unavoidable. **(Significant Unavoidable Temporary Cumulative Impact)**

6. Mitigation for Cumulative Biological Impacts

Mitigation for Cumulative Impacts to Individual Nesting Raptors and Burrowing Owls

In conformance with federal and state regulations regarding protection of raptors, appropriate surveys for burrowing owls following CDFG protocols will be completed prior to any development occurring on sites with foraging or nesting habitat for burrowing owls, or prior to redevelopment occurring on sites identified as having potential burrowing owl habitat. Likewise, preconstruction surveys for nesting raptors shall be conducted on proposed development or redevelopment sites with mature trees.

If surveys confirm that a site is occupied habitat, or that a nest exists that could be disturbed by proposed development, then additional mitigation measures to minimize or avoid impacts to the individual raptors, or their occupied burrows or nests, shall be identified and implemented. In the event raptors or active nests are present, implementation of pre-construction surveys and establishment of construction-free buffers will avoid project impacts and avoid a significant cumulative impact to raptors. **(Less Than Significant Cumulative Impact)**

Mitigation for Cumulative Impacts to Burrowing Owl Habitat

Mitigation for the cumulative loss of burrowing owl habitat could include the establishment of a County-wide program to set aside a large area(s) of publicly owned, permanent open space and improve this habitat for use by burrowing owls. Each individual project resulting in a loss of burrowing owl habitat could contribute to the improvement and maintenance of this permanent habitat through the payment of an impact fee. The level of required participation by each new development project could be assessed, based on a reasonable relationship to the individual development's contribution to the cumulative loss of burrowing

owl habitat. Through such a mitigation program, permanent, good quality habitat for burrowing owls could be retained in perpetuity at locations deemed appropriate by biologists. There is currently no established program.

In the absence of replacement habitat to offset the loss of the remaining burrowing owl habitat in the area, the implementation and development of the cumulative projects, including the iStar project, would result in a cumulatively significant, unavoidable loss of burrowing owl habitat. **(Significant Unavoidable Cumulative Impact)**

7. Mitigation for Cumulative Cultural Resource Impacts

The proposed project, with the implementation of the proposed mitigation measures identified in *Section II.G. Cultural Resources* of this EIR, would not result in a significant and unavoidable cumulative impact to historic resources. No further mitigation is required.

8. Mitigation for Cumulative Geology and Soils Impacts

The evaluation reflected above did not identify cumulatively significant geology and soils impacts. No mitigation is required.

9. Mitigation for Cumulative Hydrology and Water Quality Impacts

The evaluation reflected above did not identify cumulatively significant hydrology or water quality impacts. No mitigation is required.

10. Mitigation for Cumulative Hazardous Materials Impacts

The evaluation reflected above did not identify cumulatively significant hazardous materials impacts. No mitigation is required.

11. Mitigation for Cumulative Utilities Impacts

**Mitigation and Avoidance of Impacts to WPCP
and Sanitary Sewer Collection System**

The City of San José will ensure that the development proposed under this cumulative scenario would not cause the WPCP to exceed its capacity or discharge limit, consistent with Chapter 15.12 of the Municipal Code. Programs which the City may use to accomplish this could include continued implementation of water conservation measures, substantially increased use of recycled water, and/or expansion of the WPCP capacity.

Unless the City is able to substantially increase the use of recycled water, the proposed amount of development, including buildout of the current General Plan, could cause the WPCP to exceed the discharge flow trigger cap. The City will not, however, issue entitlement for development beyond the WPCP capacity.

Development proposed for the cumulative projects would in some cases generate sanitary sewer discharge in excess of the capacity of existing local collection systems. Construction of the planned sanitary sewer collection system to serve individual components of this cumulative impact scenario would not result in new significant environmental impacts

different or substantially greater than those of the individual projects. **(Less Than Significant Cumulative Impact)**

12. Mitigation for Cumulative Energy Impacts

There are many measures available to reduce energy consumption in both residences and businesses, as listed in *Section II.L. Energy*. Each of the projects being considered will, to varying degrees, incorporate such measures into the design of all new buildings. *Section II.L. Energy* identifies a number of measures that are included as part of the proposed iStar project to reduce the project's contribution to the cumulatively significant increased use of energy, to a less than significant level. **(Less Than Significant Cumulative Impact)**

13. Mitigation for Cumulative Public Facilities and Services Impacts

As discussed above, the cumulative projects would not result in significant cumulative impacts to fire and police protection, parks and recreation facilities and services, schools, or library services. No mitigation therefore is required.

VI. SIGNIFICANT, UNAVOIDABLE IMPACTS

If the project is implemented, the following significant unavoidable environmental impacts would occur:

Significant Loss of Agricultural Land Impact. Development of the proposed project would result in the loss of up to 74 acres of *Prime Farmland*.

Significant Visual and Aesthetic Impacts. Future development allowed under the proposed General Plan amendments could result in a significant change in visual character on the site and the partial obstruction of views of scenic resources.

Significant Regional Air Quality Impacts. Even with the incorporation of the proposed mitigation measures identified in *Section II.D. Air Quality*, the project's regional air quality impacts would remain significant.

Significant Burrowing Owl Habitat Impact. The development of the proposed project would result in the loss of potential burrowing owl habitat.

Significant Cumulative Loss of Agricultural Land. The project would contribute to the cumulative loss of agricultural land. The identified mitigation measures in *Section II.A. Land Use*, which are not currently proposed, if incorporated, would reduce the impact to a less than significant level.

Significant Cumulative Visual and Aesthetic Impacts. The proposed project would change the visual character of the site and would obstruct views of the eastern foothills. The project, therefore, would contribute substantially to significant cumulative visual and aesthetic impacts.

Significant Cumulative Burrowing Owl Habitat Impacts. In the absence of replacement habitat to offset the loss of the remaining burrowing owl habitat in the area, the implementation and development of the cumulative projects, including the iStar project, would result in a cumulatively significant, unavoidable loss of burrowing owl habitat.

Significant Cumulative Long-Term Traffic (TRANPLAN) Impacts. *The cumulative General Plan amendments would result in significant adverse cumulative increases in congestion. The proposed project, which is the subject of this EIR, will contribute to the significant increases in peak hour congestion on already congested roadway links.*

Significant Cumulative Temporary Construction Noise Impacts. The cumulative projects would not result in significant cumulative noise impacts from ambient noise levels, increased traffic on roadways, or increased aircraft operations. Implementation of all cumulative projects (including the proposed project) would, however, result in significant temporary cumulative construction-related noise impacts.

Significant Cumulative Regional Air Quality Impacts. While the proposed project would not add housing, the project would increase development on the site and would result in significant additional traffic trips. The project would itself result in significant regional air quality impacts and, therefore, would contribute to a significant cumulative regional air quality impact.

VII. VARIANT TO THE PROPOSED PROJECT

This section evaluates a variant to the project that is under consideration by the City of San José, and provides a comparative analysis of the potential environmental impacts for the variant. For the purposes of this discussion, a variant modifies one limited area or aspect of the project for the purposes defined. Alternatives (see *Section VIII. Alternatives*) are required by CEQA for the purpose of avoiding or reducing adverse environmental impacts, and may be a minor modification or a different approach to the project as a whole. As described below, the variant generally would result in impacts similar to those of the proposed project and would similarly contribute to cumulative impacts, except where noted. Specifically, the project variant would result in similar land use compatibility, geologic, population and housing, recreation, and cumulative impacts. Unless otherwise stated, mitigation measures for the project are also assumed for the variant.

A. DESCRIPTION

As described previously in this EIR, the project site currently has entitlements to develop up to 1.5 million square feet of industrial office/R&D uses. The currently proposed project would develop up to one million square feet of the previously approved 1.5 million square feet of industrial office/R&D uses on the site, and would also develop up to 450,000 square feet of commercial uses on the site. The project would, therefore, result in the net loss of approximately 500,000 square feet of industrial development potential and the net gain of up to 450,000 square feet of commercial development.

Under the project variant scenario, the 500,000 square feet of entitled industrial development on the site that would otherwise be lost by the proposed project, would be preserved in Edenvale Redevelopment Project Areas 1 and 3, on the east side of US 101 (refer to Figure 4). For the purposes of this analysis, it is assumed that the 500,000 square feet of industrial development would be distributed evenly between Edenvale Areas 1 and 3.

There is no specific location(s) identified or assumed for the 500,000 square feet of floor space. The development could be divided among a number of properties, and some of the floor area could even be allocated for expansion of existing facilities. It is assumed that the additional development would occur on multiple sites.

B. EDENVALE REDEVELOPMENT PROJECT AREA

The Edenvale Redevelopment Project Area was the subject of an EIR in 2000 that addressed the construction of approximately 7.88 million square feet of industrial uses on vacant lands within a 451-acre plan area, which encompassed several geographic subareas on both sides of US 101 in south San José (refer to Figure 4). Currently, Area 1 is approved for 1,780,000 square feet of industrial development on its vacant land and Area 3 is approved for 2,850,000 square feet of industrial development on its vacant land. The project variant would allow development of an additional 500,000 square feet of industrial development previously assumed to occur in Edenvale Area 2 in Edenvale Areas 1 and 3. This would be an increase of roughly 11 percent above the total amount of development allowed in Edenvale Areas 1 and 3.

C. CONSISTENCY WITH RELEVANT PLANS AND POLICIES

The project variant would generally have similar consistency with the relevant goals and policies as the proposed project (refer to Section *I.G. Consistency with Plans and Policies* of this EIR). The variant would be more consistent with the City's Balanced Community Policy 1 and Industrial Land Use Goal because it would preserve at least the potential for all of the approved 1.5 million square feet of industrial development in the Edenvale Redevelopment Area and would, therefore, be less likely to result in a net loss of planned industrial development and jobs.

It should be noted that the variant would increase congestion at intersections on the east side of US 101, and therefore, would be slightly less consistent with the City's Transportation Goals and Policies than the proposed project.

D. ENVIRONMENTAL IMPACTS

As mentioned above, the variant would result in impacts and cumulative impacts similar to those of the proposed project, except where specifically noted below.

1. Shade and Shadow

The project variant would allow additional industrial square footage in Edenvale Areas 1 and 3. The intensification of the development in these areas may result in incrementally taller buildings, which could result in greater shade and shadow impacts on adjacent properties than originally anticipated in the Edenvale Redevelopment Area Project EIR. If it were to occur, substantial shading of residences, public parks or open spaces would constitute a significant shade and shadow impact. Because it is unknown exactly where the 500,000 square feet of industrial development would be placed and how it would be configured in Edenvale Areas 1 and 3 (or if taller buildings would actually be necessary to accomplish the extra 500,000 square feet of floor area), it cannot be known at this time if the additional square footage would result in significant shade and shadow impacts. However, given the amount of development approved in these areas (as part of the Edenvale Redevelopment Project), the incremental addition resulting from the project variant is not anticipated to result in significant new shade and shadow impacts to sensitive land uses.

Conclusion: The project variant would intensify development in Edenvale Areas 1 and 3, which could result in taller buildings. The project variant, therefore, could result in additional shade and shadow impacts to sensitive uses east of US 101, however, the incremental increase in shade and shadow from the variant would not likely result in new significant impacts.

2. Transportation

A transportation impact analysis was completed by *Hexagon Transportation Consultants* in November 2005, which included an analysis of a Variant Scenario (refer to Appendix D of this EIR). The Variant Scenario was analyzed to determine the combined near-term traffic impacts of the cumulative projects, which include the proposed project, the recently approved Hitachi Campus and Mixed-Use Transit Village Project (PDC04-031 and SCH# 2004072110), all other near-term approved projects in the area, and the project variant.

Transportation Network Under the Variant Scenario

The Variant Scenario includes the following changes to the roadway network:

Great Oaks Boulevard Extension/Cottle Road and Concord Drive. Great Oaks Boulevard will be extended as a public four-lane divided roadway from SR 85 to where it would curve to become Boulder Boulevard/Poughkeepsie Road near the Lowe's site (refer to Figure 11). The extension would encourage traffic to use Boulder Boulevard/Poughkeepsie Road, and would reduce the amount of traffic using the Cottle Road/Concord Drive intersection to access eastbound Blossom Hill Road. With the Great Oaks Boulevard extension, the intersection of Cottle Road and Concord Drive would be reconfigured to include one northbound left-turn lane, one northbound through lane, and a third southbound through lane. Additionally, the east and west approaches would be reconfigured with one left-turn lane and one shared through/right-turn lane with permitted phasing.

Poughkeepsie Road. Poughkeepsie Road between Cottle Road and the north-south collector street within the Hitachi campus will be constructed as a divided six-lane roadway. Poughkeepsie Road will transition into Boulder Boulevard, which also will be a six-lane facility.

Cottle Road and Poughkeepsie Road. The westbound approach will be modified to include two left-turn lanes, two through lanes, and two right-turn lanes. The eastbound and westbound approaches will be converted from split-phase to protected, and a second southbound left-turn lane and a third eastbound through lane will be added.

New Public Street Connection. A public street connection linking Cottle Road to the Edenvale Technology Park and the Santa Teresa neighborhood will be provided. This connection includes the extension of Raleigh Road as a new four-lane public street from east of Cottle Road to just west of the existing PG&E substation. From this point to White Plains Road to the east, this roadway will be constructed as a two-lane residential collector street.

White Plains Road. The existing section of White Plains Road from near Endicott Boulevard to Via del Oro will be constructed as a four-lane segment with one lane in each direction leading into a turn lane.

Variant Scenario Traffic Volumes

Traffic volumes under the variant scenario include traffic volumes under project conditions and estimated traffic volumes from the project variant.

Based on the City of San José's standard trip generation rates, 500,000 square feet of R&D space would generate approximately 3,830 daily trips, with 610 trips during the AM peak hour and 540 trips occurring during the PM peak hour. Trips generated by the project variant were distributed equally between Edenvale Areas 1 and 3. Traffic volumes, trip distribution pattern, and trip assignments for the Variant Scenario are included in Appendix D of this EIR.

Variant Scenario Intersection Operations

In addition to the study intersections analyzed under Project Conditions, the following intersections were analyzed for the Variant Scenario:

- 43. Eden Park Place and Silicon Valley Boulevard
- 44. Basking Ridge and Silicon Valley Boulevard
- 45. Hellyer Avenue and Piercy Road
- 46. Hellyer Avenue and Fontanoso Way
- 47. Hellyer Avenue and Branham Lane
- 48. US 101 and Hellyer Avenue (East)
- 49. US 101 and Hellyer Avenue (West)

These seven additional intersections were not included in the intersection level of service analysis under project conditions because they were not believed to be impacted by project traffic. The addition of approximately 500,000 square feet of industrial office/R&D development east of US 101 would, in contrast, add traffic to these seven intersections.

The locations of these intersections are shown on Figure 25. Table 36 shows the intersection levels of service under the Variant Scenario for all 49 of the study intersections analyzed. Intersection improvements are identified for each location where intersection operations were projected to degrade, or unacceptable operations would be exacerbated, by the addition of traffic from the approved Hitachi mixed-use project and the proposed project.

In addition to all project mitigation measures and EADP improvements at the US 101/Blossom Hill Road-Silver Creek Valley Road interchange, the following EADP improvements were assumed for this additional analysis:

US 101 Northbound Ramps and Hellyer Avenue. Install a signal and add a second eastbound through lane.

US 101 Southbound Ramps and Hellyer Avenue. Install a signal, add two southbound left-turn lanes to the US 101 southbound off-ramp, add a separate eastbound left-turn lane, and convert the existing shared through/left-turn lane into a through lane only.

Figure 25 Additional Intersections Analyzed Under Variant Scenario

Table 36
Background and Project Intersection Levels of Service

| Intersection | Peak Hour | Conditions Without Unfunded EADP Improvements | | | | | | | | Conditions With Unfunded EADP Improvements | | | | | |
|---|-----------|---|-----|---------------|-----|----------------------------|--------------------------|---------------|-----|--|-----|---------------|-----|---------------|-----|
| | | Back-ground | | Project | | | | Variant | | Back-ground | | Project | | Variant | |
| | | Average Delay | LOS | Average Delay | LOS | Increase In Critical Delay | Increase In Critical V/C | Average Delay | LOS | Average Delay | LOS | Average Delay | LOS | Average Delay | LOS |
| 1. Monterey Hwy. & Branham Lane* | AM | 39.8 | D | 39.8 | D | 0.0 | 0.000 | 39.8 | D | | | | | | |
| | PM | 34.1 | C | 34.1 | C | 0.0 | 0.000 | 34.1 | C | | | | | | |
| 2. Monterey Hwy. & Chynoweth Ave. | AM | 43.3 | D | 43.3 | D | 0.0 | 0.000 | 43.5 | D | | | | | | |
| | PM | 39.0 | D | 39.0 | D | 0.0 | 0.000 | 39.0 | D | | | | | | |
| 3. Blossom Hill Rd. & Snell Ave.* | AM | 42.9 | D | 42.9 | D | 0.0 | 0.000 | 42.9 | D | | | | | | |
| | PM | 47.9 | D | 47.9 | D | 0.0 | 0.000 | 47.9 | D | | | | | | |
| 4. Blossom Hill Rd. & Lean Ave. | AM | 22.9 | C | 22.9 | C | 0.0 | 0.000 | 22.9 | C | | | | | | |
| | PM | 21.9 | C | 21.9 | C | 0.0 | 0.000 | 21.9 | C | | | | | | |
| 5. Santa Teresa Blvd. & Snell Ave.* | AM | 36.8 | D | 36.8 | D | 0.0 | 0.000 | 36.8 | D | | | | | | |
| | PM | 32.0 | C | 32.0 | C | 0.0 | 0.000 | 32.0 | C | | | | | | |
| 6. Santa Teresa Blvd. & Lean Ave. | AM | 29.8 | C | 29.8 | C | 0.0 | 0.000 | 29.8 | C | | | | | | |
| | PM | 28.4 | C | 28.4 | C | 0.0 | 0.000 | 28.4 | C | | | | | | |
| 7. Blossom Hill Rd. & Beswick Dr. | AM | 27.3 | C | 27.2 | C | 0.0 | 0.004 | 27.4 | C | | | | | | |
| | PM | 22.3 | C | 24.4 | C | 2.0 | 0.048 | 24.4 | C | | | | | | |
| 8. Blossom Hill Rd. & Poughkeepsie Rd. | AM | 21.8 | C | 18.2 | B | -2.4 | -0.106 | 18.2 | B | | | | | | |
| | PM | 22.2 | C | 19.1 | B | -6.5 | -0.191 | 19.1 | B | | | | | | |
| 9. Monterey Hwy. & Blossom Hill Rd. (N)* | AM | 52.5 | D | 52.4 | D | 0.0 | 0.000 | 54.5 | D | | | | | | |
| | PM | 26.4 | C | 28.1 | C | 2.7 | 0.022 | 29.6 | C | | | | | | |
| 10. Monterey Hwy. & Blossom Hill Rd. (S)* | AM | 26.7 | C | 27.1 | C | 0.8 | 0.007 | 22.9 | C | | | | | | |
| | PM | 42.3 | D | 58.2 | E | 24.9 | 0.072 | 30.5 | C | | | | | | |

Table 36
Background and Project Intersection Levels of Service

| Intersection | Peak Hour | Conditions Without Unfunded EADP Improvements | | | | | | | | Conditions With Unfunded EADP Improvements | | | | | |
|--|-----------|---|-----|---------------|-----|----------------------------|--------------------------|---------------|-----|--|-----|---------------|-----|---------------|-----|
| | | Back-ground | | Project | | | | Variant | | Back-ground | | Project | | Variant | |
| | | Average Delay | LOS | Average Delay | LOS | Increase In Critical Delay | Increase In Critical V/C | Average Delay | LOS | Average Delay | LOS | Average Delay | LOS | Average Delay | LOS |
| 11. US 101 & Blossom Hill Rd (W)* | AM | 102.5 | F | 100.1 | F | -2.7 | -0.006 | 41.0 | D | 19.1 | B | 19.1 | B | | |
| | PM | 209.6 | F | 221.7 | F | 12.4 | 0.028 | 48.3 | D | 35.2 | D | 38.6 | D | | |
| 12. US 101 & Blossom Hill Rd. (E)* | AM | 178.2 | F | 175.6 | F | -2.0 | -0.005 | 37.7 | D | 38.3 | D | 33.2 | C | /a/ | /a/ |
| | PM | 282.1 | F | 278.9 | F | -3.0 | -0.006 | 77.9 | E | 79.0 | E | 69.7 | E | | |
| 13. Piercy Rd. & Silver Creek Valley Rd. | AM | 47.0 | D | 46.9 | D | -0.3 | 0.000 | 11.5 | B | | | | | | |
| | PM | 32.3 | C | 33.0 | C | 1.0 | 0.009 | 38.1 | D | | | | | | |
| 14. Fontanoso Wy & Silver Creek Valley Rd. | AM | 26.3 | C | 31.0 | C | 6.0 | -0.004 | 21.3 | C | | | | | | |
| | PM | 32.1 | C | 50.9 | D | 22.8 | 0.474 | 16.2 | B | | | | | | |
| 15. Hellyer Ave. & Silver Creek Valley Rd. | AM | 35.2 | D | 34.9 | C | -0.4 | -0.004 | 36.0 | D | | | | | | |
| | PM | 27.7 | C | 27.7 | C | 0.0 | 0.000 | 28.4 | C | | | | | | |
| 16. Cottle Rd. & Concord Dr. | AM | 35.3 | D | 35.6 | D | 1.2 | 0.012 | 35.7 | D | | | | | | |
| | PM | 44.4 | D | 50.3 | D | 5.0 | 0.033 | 50.3 | D | | | | | | |
| 17. Cottle Rd. & Poughkeepsie Rd. | AM | 34.3 | C | 34.8 | C | 0.3 | 0.004 | 35.0 | D | | | | | | |
| | PM | 43.5 | D | 53.3 | D | 17.8 | 0.091 | 53.4 | D | | | | | | |
| 18. Cottle Rd. & Beswick Dr. | AM | 37.1 | D | 36.8 | D | -0.4 | -0.004 | 37.9 | D | | | | | | |
| | PM | 44.6 | D | 49.7 | D | 4.6 | 0.044 | 51.2 | D | | | | | | |
| 19. SR 85 & Cottle Rd. (N)* | AM | 10.1 | B | 10.0 | A | -0.1 | 0.005 | 5.7 | A | | | | | | |
| | PM | 12.1 | B | 12.4 | B | 0.8 | 0.028 | 8.2 | A | | | | | | |
| 20. SR 85 & Cottle Rd. (S)* | AM | 27.9 | C | 28.2 | C | 0.5 | 0.010 | 28.2 | C | | | | | | |
| | PM | 26.4 | C | 27.4 | C | 0.6 | 0.013 | 27.3 | C | | | | | | |
| 21. Cottle Rd. & Hospital | AM | 34.3 | C | 34.4 | C | 0.2 | 0.006 | 34.4 | C | | | | | | |

Table 36
Background and Project Intersection Levels of Service

| Intersection | Peak Hour | Conditions Without Unfunded EADP Improvements | | | | | | | | Conditions With Unfunded EADP Improvements | | | | | |
|---|-----------|---|----------|---------------|----------|----------------------------|--------------------------|---------------|-----|--|-----|---------------|-----|---------------|-----|
| | | Back-ground | | Project | | | | Variant | | Back-ground | | Project | | Variant | |
| | | Average Delay | LOS | Average Delay | LOS | Increase In Critical Delay | Increase In Critical V/C | Average Delay | LOS | Average Delay | LOS | Average Delay | LOS | Average Delay | LOS |
| Pkwy. | PM | 38.3 | D | 38.8 | D | 1.1 | 0.019 | 38.8 | D | | | | | | |
| 22. Cottle Rd. & Santa Teresa Blvd. | AM | 48.5 | D | 46.7 | D | -3.5 | -0.020 | 46.8 | D | | | | | | |
| | PM | 53.5 | D | 54.7 | D | 2.6 | 0.009 | 54.8 | D | | | | | 54.1 | D |
| 23. Santa Teresa Blvd. & Encinal Dr. | AM | 13.2 | B | 12.9 | B | -0.3 | -0.024 | 12.9 | B | | | | | | |
| | PM | 13.3 | B | 13.1 | B | -0.2 | -0.015 | 13.1 | B | | | | | | |
| 24. Santa Teresa Blvd. & San Ignacio Ave. | AM | 20.2 | C | 18.8 | B | -14.8 | -0.076 | 18.8 | B | | | | | | |
| | PM | 20.5 | C | 20.3 | C | -0.5 | -0.049 | 20.3 | C | | | | | | |
| 25. Via del Oro & San Ignacio Ave. | AM | 39.7 | D | 36.3 | D | -4.1 | -0.081 | 36.3 | D | | | | | | |
| | PM | 30.1 | C | 34.1 | C | 7.8 | 0.107 | 34.1 | C | | | | | | |
| 26. Santa Teresa Blvd. & Great Oaks Blvd. | AM | 17.9 | B | 17.9 | B | -0.1 | -0.004 | 18.0 | B | | | | | | |
| | PM | 14.2 | B | 14.9 | B | 0.6 | 0.008 | 13.4 | B | | | | | | |
| 27. Via del Oro & Great Oaks Blvd. | AM | 25.2 | C | 25.4 | C | 0.3 | 0.042 | 24.5 | C | | | | | | |
| | PM | 31.6 | C | 39.4 | D | 13.6 | 0.134 | 30.7 | C | | | | | | |
| 28. San Ignacio Ave. & Great Oaks Blvd. | AM | 56.1 | E | 41.0 | D | -25.9 | -0.115 | 40.9 | D | | | | | | |
| | PM | 58.2 | E | 83.7 | F | 40.0 | 0.101 | 53.9 | D | | | | | | |
| 29. SR 85 & Great Oaks Blvd. (S)* | AM | 86.3 | F | 78.2 | E | -12.5 | -0.031 | 78.2 | E | | | | | | |
| | PM | 23.7 | C | 24.2 | C | -0.1 | -0.002 | 24.2 | C | | | | | | |
| 30. SR 85 & Great Oaks Blvd. (N)* | AM | 27.4 | C | 14.0 | B | -21.2 | -0.124 | 14.0 | B | | | | | | |
| | PM | 26.8 | D | 34.3 | C | -0.3 | -0.002 | 34.3 | C | | | | | | |
| 31. Santa Teresa Blvd. & Martinvale Dr. | AM | 13.4 | B | 13.4 | B | 0.0 | -0.001 | 13.4 | B | | | | | | |
| | PM | 11.2 | B | 11.2 | B | 1.0 | 0.002 | 11.2 | B | | | | | | |

Table 36
Background and Project Intersection Levels of Service

| Intersection | Peak Hour | Conditions Without Unfunded EADP Improvements | | | | | | | | Conditions With Unfunded EADP Improvements | | | | | |
|-------------------------------------|-----------|---|----------|---------------|----------|----------------------------|--------------------------|---------------|----------|--|-----|---------------|-----|---------------|-----|
| | | Back-ground | | Project | | | | Variant | | Back-ground | | Project | | Variant | |
| | | Average Delay | LOS | Average Delay | LOS | Increase In Critical Delay | Increase In Critical V/C | Average Delay | LOS | Average Delay | LOS | Average Delay | LOS | Average Delay | LOS |
| 32. Santa Teresa Blvd. & Bernal Rd. | AM | 41.8 | D | 41.9 | D | 0.0 | 0.002 | 42.0 | D | | | | | | |
| | PM | 44.7 | D | 45.9 | D | 2.0 | 0.013 | 46.7 | D | | | | | | |
| 33. Realm & Bernal Rd. | AM | 19.0 | B | 18.9 | B | -0.2 | 0.004 | 18.8 | B | | | | | | |
| | PM | 23.3 | C | 23.1 | C | -0.1 | 0.003 | 22.9 | C | | | | | | |
| 34. Via del Oro & Bernal Rd. | AM | 14.1 | B | 13.2 | B | -0.8 | 0.010 | 13.2 | B | | | | | | |
| | PM | 26.2 | C | 26.5 | C | 2.9 | 0.065 | 26.5 | C | | | | | | |
| 35. San Ignacio Ave. & Bernal Rd. | AM | 41.9 | D | 30.5 | C | -32.2 | -0.079 | 27.7 | C | | | | | | |
| | PM | 53.8 | D | 72.0 | E | 30.7 | 0.067 | 54.6 | D | | | | | | |
| 36. Monterey Hwy. & Bernal Rd. (N)* | AM | 31.3 | C | 31.6 | C | 0.5 | 0.004 | 31.8 | C | | | | | | |
| | PM | 24.9 | C | 26.2 | C | 3.1 | 0.034 | 26.5 | C | | | | | | |
| 37. Monterey Hwy. & Bernal Rd. (S)* | AM | 4.3 | A | 4.2 | A | 2.0 | 0.024 | 4.5 | A | | | | | | |
| | PM | 5.5 | A | 5.8 | A | 0.4 | 0.032 | 4.4 | A | | | | | | |
| 38. Monterey Hwy. & Bernal Rd. (E)* | AM | 12.7 | B | 13.2 | B | 0.5 | 0.134 | 9.3 | A | | | | | | |
| | PM | 17.6 | B | 20.1 | C | 2.5 | 0.220 | 10.1 | B | | | | | | |
| 39. SR 85 & Bernal Rd.* | AM | 36.7 | D | 36.4 | D | -0.2 | -0.001 | 40.6 | D | | | | | | |
| | PM | 77.9 | E | 76.9 | E | 1.0 | 0.003 | 82.9 | F | | | | | 42.5 | D |
| 40. US 101 & Bernal Rd. (W)* | AM | 65.2 | E | 55.5 | E | -10.2 | -0.025 | 59.6 | E | | | | | /a/ | /a/ |
| | PM | 12.8 | B | 13.3 | B | 0.8 | 0.041 | 13.5 | B | | | | | | |
| 41. US 101 & Bernal Rd. (E) | AM | 23.9 | C | 23.2 | C | -2.2 | -0.009 | 25.5 | C | | | | | | |
| | PM | 7.7 | A | 9.4 | A | 2.6 | 0.037 | 9.6 | A | | | | | | |
| 42. Monterey Hwy. & | AM | 11.6 | B | 11.6 | B | 0.0 | 0.000 | 11.6 | B | | | | | | |

Table 36
Background and Project Intersection Levels of Service

| Intersection | Peak Hour | Conditions Without Unfunded EADP Improvements | | | | | | | | Conditions With Unfunded EADP Improvements | | | | | |
|---|-----------|---|-----|---------------|-----|----------------------------|--------------------------|---------------------|---------------|--|-----|---------------|-----|---------------|-----|
| | | Back-ground | | Project | | | | Variant | | Back-ground | | Project | | Variant | |
| | | Average Delay | LOS | Average Delay | LOS | Increase In Critical Delay | Increase In Critical V/C | Average Delay | LOS | Average Delay | LOS | Average Delay | LOS | Average Delay | LOS |
| Monterey Cr. | PM | 12.3 | B | 12.7 | B | 0.6 | 0.002 | 12.7 | B | | | | | | |
| 43. Eden Park Place & Silicon Valley Blvd. | AM PM | -- | -- | -- | -- | -- | -- | 4.0 6.3 | A A | | | | | | |
| 44. Basking Ridge & Silicon Valley Blvd. | AM PM | -- | -- | -- | -- | -- | -- | 44.2 25.4 | D C | | | | | 49.5 | D |
| 45. Hellyer Ave. & Piercy Rd. | AM PM | -- | -- | -- | -- | -- | -- | 26.2 25.6 | C C | | | | | | |
| 46. Hellyer Ave. & Fontanoso Wy. | AM PM | -- | -- | -- | -- | -- | -- | 9.5 6.2 | A A | | | | | | |
| 47. Hellyer Ave. & Branham Ln. | AM PM | -- | -- | -- | -- | -- | -- | 22.7 22.8 | C C | | | | | | |
| 48. US 101 & Hellyer Ave. (East) | AM PM | -- | -- | -- | -- | -- | -- | 35.7 38.3 | D D | | | | | | |
| 49. US 101 & Hellyer Ave. (West) | AM PM | -- | -- | -- | -- | -- | -- | 22.3 17.7 | C B | | | | | | |
| Notes: (*) Denotes CMP intersection. Bold indicates an unacceptable level of service. Shading indicates a significant project impact. /a/ indicates no additional improvements necessary since the resulting intersection level of service would be better than that calculated under background conditions | | | | | | | | | | | | | | | |

Level of Service Impacts

Table 36 also shows the intersection level of service (LOS) comparison between project conditions and project variant conditions. In both scenarios, it is assumed that the above improvements are in place. The analysis found that the project variant would result in significant impacts at one additional intersection:

- SR 85 and Bernal Road

Mitigation Measures

As described above, the project variant would cause impacts at SR 85 and Bernal Road. Adding a second westbound left-turn lane on Bernal Road would improve intersection operations to LOS D (refer to Table 37).

| Table 37 | | | | | |
|--|-----------|-----------------|-----|--------------------------------|-----|
| Intersection Levels of Service for Impacted Intersection | | | | | |
| Intersection | Peak Hour | Project Variant | | Project Variant and Mitigation | |
| | | Ave. Delay | LOS | Ave. Delay | LOS |
| 39. SR 85 & Bernal Rd. | AM | 40.8 | D | 42.5 | D |
| | PM | 82.9 | F | | |
| Notes: | | | | | |
| * Denotes CMP intersection | | | | | |
| Bold indicates a substandard level of service | | | | | |
| Shading indicates an impact due to the project variant when compared to Project conditions | | | | | |

Conclusion: The project variant could result in significant impacts to one intersection. Incorporation of the additional mitigation measure listed above would reduce impacts to a less than significant level.

4. Noise

Construction and operation of the development envisioned under the project variant scenario would result in an increase in noise levels in Edenvale Areas 1 and 3. The exact location of the 500,000 square feet of industrial development in these areas is not known, therefore, it cannot be known if sensitive receptors are nearby and would be affected. Noise generated by construction and operation of development under the project variant would be similar to that of the industrial development previously evaluated and approved for these areas (Edenvale Redevelopment Area Project EIR, 2000). Given the amount of development already planned and approved in these areas, the increase assumed in this variant would be unlikely to result in substantial increases in operational noise.

The project variant would also increase traffic on roadways in Edenvale Areas 1 and 3, which would contribute to an increase in noise levels. Generally, a doubling of traffic volumes on

roadways is required to constitute a significant or noticeable noise impact. The amount of traffic generated by the project variant would not double the amount of existing or planned traffic on nearby roadways.

Conclusion: The project variant would increase noise levels in Edenvale Areas 1 and 3. It is unlikely that the project variant would substantially increase short-term or long-term noise levels above what is anticipated to occur in these areas under the existing entitlements.

5. Air Quality

Regional Air Quality

The project variant would allow an additional 500,000 square feet of industrial development in Edenvale Redevelopment Areas 1 and 3. Vehicle trips generated by the project variant would result in air pollutant emissions affecting the entire region. According to the Bay Area Air Quality Management District, a project that generates more than 80 pounds per day of reactive organic gases (ROGs), nitrogen oxides, or particulate matter 10 (PM₁₀) is considered to have a significant impact on regional air quality. Traffic generated by the proposed project would exceed those thresholds by more than three times (refer to Section *II.D. Air Quality* of this EIR); therefore, the project variant, which would allow more development and would result in more vehicle trips, would also further exceed those thresholds. Development under the project variant scenario would result in proportionally worse air quality impacts than the proposed project.

Local Air Quality

On the local scale, the project variant would increase traffic on the local street network in Edenvale Areas 1 and 3, thereby increasing carbon monoxide levels along roadways used by project variant traffic. Carbon monoxide concentrations under worst-case meteorological conditions have been predicted for signalized intersections affected by the project variant. These intersections were selected as having the worst intersection LOS and highest average delay. Table 38 shows the results of the CALINE-4 analysis for the peak 1-hour and 8-hour traffic periods in parts per million (PPM). The 1-hour values are compared to the federal 1-hour standard of 35 PPM and the state standard of 20 PPM. The 8-hour values in Table 38 are to be compared to the state and federal standard of nine PPM.

Under the project variant, the carbon monoxide concentrations are shown to meet the 1-hour and 8-hour standards. Traffic from the project variant would increase concentrations by up to 0.9 PPM, but concentrations would remain below the most stringent state or federal standards.

| Table 38 Worst Case Carbon Monoxide Concentrations Near Selected Intersections (in PPM) under the Project Variant | | | | |
|--|--------------------|------------|-----------------|------------|
| Intersection | Project Conditions | | Project Variant | |
| | 1 Hr. | 8 Hr. | 1 Hr. | 8 Hr. |
| Monterey/Blossom Hill (North) | 9.6 | 6.8 | 10.5 | 7.5 |
| US 101/ Blossom Hill (West) | 11.0 | 7.8 | 11.0 | 7.8 |
| US 101/ Blossom Hill (East) | 8.8 | 6.3 | 8.9 | 6.4 |
| Cottle/Beswick | 8.9 | 6.3 | 8.9 | 6.3 |
| Via del Oro/San Ignacio | 5.8 | 4.2 | 5.8 | 4.2 |
| San Ignacio/Great Oaks | 7.7 | 5.5 | 7.7 | 5.5 |
| SR 85/Great Oaks (South) | 6.7 | 4.8 | 6.7 | 4.8 |
| San Ignacio/ Bernal | 9.0 | 6.4 | 9.0 | 6.4 |
| US 101/Bernal (West) | 9.0 | 6.4 | 9.1 | 6.5 |
| Most Stringent Standard | 20.0 | 9.0 | 20.0 | 9.0 |

Conclusion: As discussed above, the project variant would result in worse impacts to regional air quality than the proposed project. Compared to the Project Conditions, the project variant-generated traffic would increase carbon monoxide concentrations by up to 0.9 PPM. Conditions under the project variant, however, would not cause any new violations of federal or state standards of carbon monoxide. Therefore, the project variant is not anticipated to result in any new significant local air quality impacts.

6. Visual and Aesthetics

The project variant would intensify the amount of development in Edenvale Areas 1 and 3. Edenvale Areas 1 and 3 have an existing maximum allowable building height of 50 feet. The intensification of planned development in these areas could require an amendment to the General Plan to allow for taller buildings to accommodate the additional square footage. Buildings above 50 feet may obstruct views of scenic resources, including the nearby foothills. Because the exact location of the additional 500,000 square feet of development is not known, it cannot be determined whether or not the project variant would result in new significant impacts to specific visual resources or scenic views.

Conclusion: The project variant would intensify development in Edenvale Areas 1 and 3. This intensification could result in taller buildings, which may result in new impacts to visual resources or scenic views.

7. Biological Resources

As evaluated in the Edenvale Redevelopment Project EIR (2000), development in Edenvale Areas 1 and 3 could impact aquatic habitat, serpentine grassland habitat, riparian habitat, trees, and special-status species. The special-status species with potential to occur in Areas 1 and 3 include steelhead, Chinook salmon, California tiger salamander, southwestern pond turtle, California red-legged frog, burrowing owl, raptors, pallid bat, and Townsend's big-eared bat. Impacts to biological resources in Edenvale were evaluated in the Edenvale

Redevelopment Project EIR (March 2000) and mitigation measures were identified. The project variant does not propose development where development is not already planned. For this reason, the project variant is not anticipated to result in new significant impacts to biological resources.

Conclusion: Development in Edenvale Areas 1 and 3 may result in impacts to habitat, trees, and special-status species. These impacts have been evaluated in the Edenvale Redevelopment Project EIR and mitigation measures have been identified to reduce impacts to a less than significant level. The project variant would intensify development in Edenvale Areas 1 and 3, but is unlikely to result in significant new impacts to biological resources.

8. Cultural Resources

The project variant includes the intensification of industrial development in Edenvale Redevelopment Areas 1 and 3. Structures within Edenvale Areas 1 and 2 may qualify as potential historic resources (generally more than 50 years old). The City of San José, in conformance with City policies, will require historic evaluations of all structures over 50 years old proposed for demolition as part of future development (refer to Section *II.G. Cultural Resources* of this EIR). Should such evaluations identify significant cultural resources, the City and Redevelopment Agency will evaluate the feasibility of mitigation measures, including relocation and retention on-site.

In addition, the Edenvale area is generally considered an archaeologically sensitive area. Given the sensitivity of the area, there is a potential for archaeological resources to be discovered during construction activities in Edenvale Redevelopment Areas 1 and 3. Should any archaeological resource be found during grading operations, their disturbance could be a significant impact.

Since the exact location of the new or intensified industrial development that could be allowed under the project variant is not known at this time, it is possible that there may be historic or archaeological resources impacted. As stated in the Edenvale Redevelopment Project EIR, the loss of historic or archaeological resources would constitute a significant impact. The project variant, however, does not propose development where development is not already planned. For this reason, the project variant is unlikely to result in significant new impacts to cultural resources.

Conclusion: Development in Edenvale Areas 1 and 3 may result in impacts to historic structures. These impacts have been evaluated in the Edenvale Redevelopment Project EIR and mitigation measures have been identified to reduce impacts. The project variant would intensify development in Edenvale Areas 1 and 3, but would not result in new impacts to historic structures.

9. Hydrology and Water Quality

Future development in Edenvale would be required to: 1) conform to the City of San José 2020 General Plan policies and the City's Flood Hazard Ordinance; 2) comply with a hydromodification management program approved by the Regional Water Quality Control Board and the NPDES C.3 permit; and 3) implement best management practices to reduce runoff and water quality impacts. Runoff and water quality impacts as well as mitigation

measures were identified in the Edenvale Redevelopment Project EIR. The project variant includes the intensification of development in Edenvale Areas 1 and 3. The project variant is not proposing development where development is not already planned, therefore, the project variant would not result in significant new drainage, flooding, or water quality impacts.

Conclusion: Development in Edenvale Areas 1 and 3 may result in drainage, flooding, and water quality impacts. These impacts have been evaluated in the Edenvale Redevelopment Project EIR and mitigation measures have been identified to reduce impacts to a less than significant level. The project variant would intensify development in Edenvale Areas 1 and 3, but would not result in significant new drainage, flooding, or water quality impacts.

10. Hazards and Hazardous Materials

Hazardous materials constraints within the Edenvale Redevelopment Area are related to both historic and current land uses. Past land uses have resulted in contamination of some sites with fuels, solvents, and other chemicals. Current and future industrial uses have the potential to emit hazardous and acutely hazardous materials during their use, storage, transport, disposal, or handling within the Edenvale Redevelopment Area. Mitigation measures for hazardous material impacts within the Edenvale area were identified in the Edenvale Redevelopment Project EIR to reduce impacts to a less than significant level.

Since the Edenvale Redevelopment Project EIR evaluated impacts to development within the Edenvale area, and the project variant would not propose additional development or different uses in Edenvale Areas 1 and 3 where development is not already planned, the project variant would not result in any new hazardous material impacts.

Conclusion: Development in Edenvale Areas 1 and 3 may result in hazardous materials impacts. These impacts have been evaluated in the Edenvale Redevelopment Project EIR and mitigation measures have been identified to reduce impacts to a less than significant level. The project variant would intensify development in Edenvale Areas 1 and 3, but would not result in significant new hazardous materials impacts.

11. Utilities, Service Systems, and Energy

The project variant includes the addition of 500,000 square feet of industrial development in Edenvale Redevelopment Areas 1 and 3, which would increase the amount of water and energy used in those areas. The amount of sewage and solid waste generated would also increase incrementally. The project variant would use (approximately) an additional: 105,882 gallons of water a day, nine million kWhr of electricity a year, 15 million cubic feet of natural gas a year, and 202,000 gallons of gasoline a year compared to the proposed project. The project variant would also generate (approximately) an additional 90,000 gallons of sewage a day and 42,000 pounds of solid waste a day, compared to the proposed project. The project variant would be required to incorporate the same mitigation measures as the proposed project to reduce impacts to utilities, service systems, and energy supplies.

In accordance with state law (SB 610) and CEQA, all proposed projects generating specific amounts of increased water usage are required to provide a water supply analysis addressing long-term water supply availability for the proposed project. Great Oaks Water Company's UWMP projects water supply, water demand, and service ability out to the year 2030. The

Great Oaks Water Company UWMP includes adequate water supply and water service to the project site to accommodate the existing entitlements (1.5 million square feet of industrial development). In comparison to the existing entitlements, the project variant would result in the need to provide water service to up to an additional 450,000 square feet of commercial development.

For proposed shopping centers, SB 610 requires a water supply analysis when a project proposes more than 500,000 square feet of floor space [Water Code section 10912 (a)(2)]. Since the project variant proposes up to 450,000 square feet of commercial floor space, a water supply analysis is not warranted.

Conclusion: Although the project variant would increase the amount of water and energy used and would generate more sewage and solid waste than the proposed project, the increase would be incremental and not anticipated to result in significant impacts to utilities or service systems.

11. Fire and Police Protection

Edenvale Areas 1 and 3 are currently served by the San José Fire Department (SJFD) and the San José Police Department (SJPD). It is anticipated that development under the project variant could result in an additional increase in calls for service in Edenvale Areas 1 and 3 above that anticipated previously, and might require additional staffing or other resources in comparison to the proposed project. While the project variant would incrementally increase the need for police services in Areas 1 and 3, it is not anticipated to result in significant physical impacts, such as the construction of new fire or police facilities.

Conclusion: Although the project variant would increase the need for fire and police protection, the increase would be incremental and would not be anticipated to result in significant impacts to fire and police services.

VIII. ALTERNATIVES TO THE PROJECT

The CEQA Guidelines give extensive direction on identifying and evaluating in an EIR alternatives to a proposed project [§15126.6]. The purpose of having alternatives in an EIR is to identify ways to substantially lessen or avoid the significant effects that a proposed project may have on the environment. The range of alternatives selected for analysis is governed by the “rule of reason,” which requires the EIR to discuss only those alternatives necessary to permit a reasoned choice. Although the alternatives do not have to meet every goal and objective set for the proposed project, they should “feasibly attain most of the basic objectives of the project.”

The discussion of alternatives should include enough information to allow a meaningful evaluation and comparison with the proposed project. The Guidelines state that if an alternative would cause one or more additional impacts, compared to the proposed project, the discussion should identify the additional impact, but in less detail than the significant effects of the project.

The three critical factors to consider in selecting and evaluating alternatives are, therefore: 1) the significant impacts from the proposed project which could be reduced or avoided by an alternative, 2) the project’s objectives, and 3) the feasibility of the alternatives available. Each of these factors is discussed below.

Significant Impacts of the Project

As discussed above, the CEQA Guidelines advise that the alternatives analysis in an EIR should be limited to alternatives that would avoid or substantially lessen any of the significant effects of the project and would achieve most of the project objectives. As discussed previously in this EIR, the project has significant unmitigated or unavoidable impacts to prime agricultural land, the visual character of the site and scenic resources, air quality, burrowing owl habitat, traffic, and energy.

Alternatives may also be considered if they would further reduce impacts that are already less than significant because the project is proposing mitigation. Impacts that would be significant, but for which the project includes mitigation to reduce them to less than significant levels, include land use conflicts if a sensitive commercial use were developed, intersection LOS impacts, pedestrian access, ambient noise levels, construction-related impacts, impacts to special-status species, impacts to a possible historic landmark, drainage impacts, impacts from the presence of hazardous materials, and impacts to utilities and energy supply.

CEQA encourages consideration of an alternative site when significant effects of the project might be avoided or substantially lessened. Only locations that would avoid or substantially lessen any of the significant effects of the project and meet most of the project objectives need be considered for inclusion in the EIR.

Objectives of the Project

While CEQA does not require that alternatives must be capable of meeting all of the project objectives, their ability to meet most of the objectives is relevant to their consideration. The following were identified by the applicant as the project's objectives:

1. Prepare the project site for marketing and future development by modifying the land use entitlement and General Plan land use designation;
2. Create a mixed-use R&D/office and retail development on a greater than 60-acre infill site adjacent to transit facilities and owned by the project applicant;
3. Complement the adjacent Hitachi project by creating a comprehensively planned development that enhances the mixed-use vision for the Edenvale area;
4. Develop up to one million square feet of entitled R&D/office use and introduce up to 450,000 square feet of retail uses in Edenvale;
5. Provide immediate and long-term revenue to City's General Fund, especially through retail uses that will strengthen and expand the City's sales tax revenue;
6. Address the City's unmet retail demand and capture sales tax revenue leaking out of San José;
7. Generate both long-term and immediate jobs (including construction jobs) proximate to housing in South San José;
8. Provide the flexibility of both R&D/office and retail on the project site and preserve R&D/office uses by intensifying development standards;
9. Provide opportunity for immediate economic development that will help attract future industrial development in Edenvale; and
10. Sell the project site to a developer that would create a project that is consistent with the City's General Plan policies and the Industrial Conversion Framework.

Feasibility of Alternatives

CEQA, the CEQA Guidelines, and the case law on the subject have found that feasibility can be based on a wide range of factors and influences. The Guidelines advise that such factors *can* include (but are not necessarily limited to) the suitability of an alternate site, economic viability, availability of infrastructure, consistency with a general plan or with other plans or regulatory limitations, jurisdictional boundaries, and whether the project proponent can "reasonably acquire, control or otherwise have access to the alternative site." [' 15126.6(f)(1)]

Selection of Alternatives

In addition to “No Project,” the Guidelines advise that the range of alternatives discussed in the EIR should be limited to those that “would avoid or substantially lessen any of the significant effects of the project” [' 15126.6(f)]. The project’s impacts on aesthetics, trees, traffic, and air quality are directly related to the amount of development proposed. If the amount of development added to the site is reduced, aesthetic, tree, traffic, and air quality impacts will decrease in direct proportion to the reduction in size. The discussion below addresses both the general concept of a “Smaller Project Site Alternative,” and specific reductions in development that would be required to reduce the significant impacts to a less than significant level (Reduced Height and Retail-Only Alternatives). In addition, alternative locations for the project are also evaluated.

The alternatives discussed in this section are as follows:

- No Project Alternative;
- Smaller Project Site Alternative;
- Reduced Height Alternative;
- Retail-Only Alternative; and
- Alternative Locations.

The components of these alternatives are described below, followed by a discussion of their impacts and how they would differ from those of the proposed project. A summary of the environmental impacts of the proposed project and the project alternatives is provided in Table 39.

A. NO PROJECT ALTERNATIVE

The Guidelines specifically require consideration of a No Project Alternative. The purpose in including a No Project Alternative is to allow decision makers to compare the impacts of approving the project with the impacts of not approving the project. The Guidelines specifically advise that No Project is “what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.” The Guidelines emphasize that an EIR should take a practical approach, and not “...create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment” [' 15126.6(e)(3)(B)].

Currently, most of the site is undeveloped. Under the No Project Alternative, the site would continue to be designated *Industrial Park*. The No Project Alternative, therefore, could include the site remaining as it is—unoccupied and vacant—or future development could occur under the existing industrial land use designation and entitlements. Since the project site is within an urbanized area and is part of an existing Redevelopment Project area, it is unlikely to remain undeveloped indefinitely. As described in *Section I*, the project site has entitlements for up to approximately 1.5 million square feet of office/R&D uses. The existing land use designation allows for buildings of up to 50 feet tall on the site, except for the southern portion of the site, which is within a Transit Area where buildings of up to 120 feet are allowed (*Urban Design Policy 10*).

Comparison of Environmental Impacts

Development of the project site under the existing General Plan designation and zoning would result in less visual and aesthetic and traffic impacts than the currently proposed. Under the existing zoning, the site can be developed with buildings of up to 50 feet and buildings up to 120 feet located within the southern portion of the site that is within a Transit Area. The proposed project, however, would allow buildings of up to 120 feet on the *entire* site. The No Project Alternative would, therefore, have less of a visual and aesthetic impact because the allowable building height on most of the site would be substantially less than what is proposed. For this reason, development under the No Project Alternative would not obstruct views of scenic resources as significantly as the proposed project.

Under the existing zoning, only industrial uses can be developed on the site. Approximately the same amount of development is allowed on the site under the existing land use designation and zoning as allowed under the proposed project. The project, however, proposes a mix of industrial and commercial uses on the site. The project is essentially replacing approximately 500,000 square feet of industrial development with 450,000 square feet of commercial/retail development. Generally, commercial uses generate more daily traffic trips than industrial uses (refer to *Section II.B. Transportation*). For this reason, development under the No Project Alternative would result in less traffic than the proposed project.

This Alternative would not allow or result in land use conflicts with adjacent industrial property, or between new non-industrial uses and new industrial uses, since this alternative would only allow for industrial uses on the site (refer to *Section II.A. Land Use*). This land use conflict often results in the adjacent industrial uses converting to non-industrial uses. Converting industrial designated land to non-industrial uses could impact to the City’s job/housing imbalance, reduce the City’s tax revenue base, and reduce the land available for future industrial development in the City. The No Project Alternative would preserve the project site and adjacent industrial uses for industrial development and use.

If the project site is not developed with commercial uses, it is also less likely to contain a sensitive population that could be located immediately adjacent to an industrial use using acutely hazardous materials.

This Alternative would result in the same impacts to agricultural land, air quality, and biological resources (including mature trees) as the proposed project. Overall, construction impacts related to clearing and grading operations, such as short-term noise, dust, and water quality impacts, would also be comparable to the proposed project.

Relationship to Project Objectives

This Alternative would be consistent with project objectives 7, 9, and 10, which include providing jobs and facilitating economic development in South San José and being consistent with the City's General Plan policies and Industrial Conversion Framework. This Alternative, however, would not be consistent with project objectives 1-6 and 8, which include developing a mixed industrial and retail development on the site.

Conclusion

Overall, the No Project Alternative would be environmentally superior to the proposed project because it would reduce the project's visual and aesthetic, traffic, and land use compatibility impacts. Other impacts resulting from the development of the site, including loss of agricultural land, air quality impacts, impacts to biological resources, and construction-related impacts, would generally be comparable to those from the proposed project. However, because this Alternative would not allow for commercial uses on the site, this Alternative does not meet all of the project objectives, including project objectives 1-6 and 8.

B. REDUCED DEVELOPMENT AND SMALLER PROJECT SITE ALTERNATIVE

A Smaller Project Site Alternative would involve development on the northern half of the project site. Under the Reduced Development and Smaller Project Site Alternative, the proposed uses would be built at approximately the same intensity as the proposed project, but be built on only the northern half of the project site, a site of approximately 40 acres. Therefore, the Smaller Project Site Alternative assumes approximately 0.5 million square feet of industrial office/R&D development and approximately 225,000 square feet of commercial/retail development.

Under this Alternative, the southern half of the project site is assumed to remain undeveloped. Development pressures, however, may lead to its development in the future.

Comparison of Environmental Impacts

By developing only the northern half of the project site, the Smaller Site Alternative would result in less designated farmland being converted and less burrowing owl habitat loss in comparison to the proposed project. Although this Alternative would result in less agricultural land and burrowing owl habitat loss, it would not reduce these impacts to a less than significant level. In addition, this Alternative would not obstruct views of the foothills as much as the proposed project because it would be set further back from SR 85. For this reason, although this impact would still be significant, this alternative would have less of a significant visual and aesthetic impact as compared to the proposed project.

The amount of development under this Alternative would be less than what is proposed (approximately half), therefore, the number of project-generated trips would be proportionately less. As a result, the traffic and air quality impacts would also be reduced proportionately. Because this Alternative would allow for less development and development on only the northern half of the project site, it would also result in less tree, utility and service systems, energy, and public service impacts than the proposed project.

This Alternative would result in the same land use compatibility impacts as the proposed project in regards to allowing industrial uses in proximity to commercial uses, especially sensitive commercial uses. Construction impacts related to clearing and grading operations, such as short-term noise, dust, and water quality impacts, would be comparable to the proposed project, but of shorter duration.

Relationship to Project Objectives

The Smaller Site Alternative would be not be consistent with the project's objective of preserving most of the previously approved industrial development entitlement, which allows for up to approximately 1.5 million square feet of industrial development.

This Alternative would be consistent with project objectives 2, 4-6, 8, and 9, which include the development of mixed industrial and retail uses in Edenvale, facilitating economic development in Edenvale, and being consistent with the City's General Plan policies and Industrial Conversion Framework. This Alternative, however, is not consistent with project objectives 1, 3, and 7, which include developing on a 60-acre or greater site, developing up to one million square feet of industrial uses and up to 450,000 square feet of commercial uses, and intensifying development on the site.

Conclusion

Overall, the Smaller Site Alternative would be environmentally superior to the proposed project because it would reduce the project's agricultural land, burrowing owl, visual and aesthetic, traffic, air quality, tree, utility and service systems, energy, and public services impacts. Other impacts resulting from the development of the site, including construction-related impacts and land use compatibility impacts, would generally be comparable to those from the proposed project. However, because this Alternative would allow for less development and less industrial square footage on the site, this Alternative would not meet project objectives 2, 4, and 8, which include preserving industrial development potential/capacity.

C. REDUCED HEIGHT ALTERNATIVE

The Reduced Height Alternative would allow for the development of the proposed project with a maximum building height of 50 feet on the entire site.⁸⁰ This Alternative assumes that the proposed project would be built at the same intensity as the proposed project. By reducing the maximum building height allowed on the site from 120 feet to 50 feet, the amount of development would also be proportionately reduced.

With the proposed project, the proposed commercial buildings were anticipated to have a maximum height of 35 feet, therefore, under this Alternative all of the commercial square footage could be developed. The proposed industrial buildings were anticipated to have a maximum height of 75 feet. This Alternative would reduce the maximum building height to 50 feet, which would proportionately reduce the amount of industrial development from one million square feet to approximately 670,000 square feet.

Comparison of Environmental Impacts

By reducing the maximum allowable height on the project site, this Alternative would result in less visual and aesthetic impacts because development on the site would not block views of the foothills as much as the proposed project. In addition, by reducing the allowable building height on the site, the amount of development would be reduced, which would result in less traffic, air quality, and utilities and services impacts compared to the proposed project.

This Alternative would have the same land use compatibility and hazardous materials impacts as the proposed project because it would allow industrial uses in proximity to commercial uses, especially sensitive commercial uses. Impacts to biological resources and agricultural land would be also be the same as the proposed project. In addition, construction impacts related to clearing and grading operations, such as short-term noise, dust, and water quality impacts would generally be comparable to the proposed project.

Relationship to Project Objectives

The Reduced Height Alternative would be consistent with all of the project objectives except for objective 4. Project objective 3 states: to “develop up to one million square feet of industrial uses and up to 450,000 square feet of commercial uses in Edenvale.” This Alternative would allow for up to 450,000 square feet of commercial uses on the site, but only 670,000 square feet of industrial development; therefore, this Alternative would be only partially consistent with this objective. The Reduce Height Alternative, however, meets project objectives 1-6 and 5-10 (although less so than the proposed project), which include developing a mix of industrial and retail uses on the site, providing jobs and facilitating economic development in Edenvale, and being consistent with the City’s General Plan policies and Industrial Conversion Framework.

⁸⁰ Buildings of up to 120 feet in height are allowed on the southern portion of the site within 2,000 feet of the Santa Teresa light rail station (refer to Figure 5). However, because retail uses are proposed, at a height of 35 feet, on this portion of the site, this distinction would not affect the amount of development under this Alternative.

Conclusion

Overall, the Reduced Height Alternative would be environmentally superior to the proposed project because it would reduce the project's visual and aesthetic, traffic, air quality, and utilities and service systems impacts. Other impacts resulting from the development of this Alternative, including biological resources, agricultural land, land use compatibility, hazardous materials, and construction-related impacts, would be comparable to those from the proposed project. However, because this Alternative would allow for less industrial square footage on the site, this Alternative would not fully meet project objective 4 of developing up to one million square feet of industrial uses on the site.

D. RETAIL-ONLY ALTERNATIVE

A Retail-Only Alternative would involve the development of only commercial uses on the project site. A supplemental traffic analysis was completed by *Hexagon Transportation Consultants, Inc.* in August 2005 to determine the maximum amount of retail development that could be built on the project site without generating any significant intersection impacts or triggering the need for any impact-related traffic mitigation improvements. This analysis did not assume any traffic improvements from the recently approved Hitachi Mixed-Use project.

This analysis is included as Appendix D of this EIR. This analysis concluded that up to 385,000 square feet of commercial/retail uses could be developed on the site without any significant intersection impacts or triggering the need for any impact-related traffic mitigation improvements. Therefore, the Retail-Only Alternative assumes 385,000 square feet of retail development on the site.

Comparison of Environmental Impacts

The proposed project would result in significant impacts to three intersections and require mitigation measures to reduce those impacts to a less than significant level. As discussed above, the 385,000 square feet of commercial development was determined for this Retail-Only Alternative because this specific amount of development would not trigger any significant transportation impacts or result in the need for traffic impact related improvements. The Retail-Only Alternative, therefore, would not result in significant transportation impacts or require any traffic-related mitigation improvements.

The proposed project, which would allow for a mix of industrial and commercial uses on the site, could expose sensitive commercial uses to hazardous materials, which would be a significant impact. The proposed project includes mitigation to reduce this impact to a less than significant level. Under the Retail-Only Alternative, there would be no land use conflicts or hazardous materials impacts resulting from mixing industrial and commercial, especially sensitive commercial, uses on the site. For this reason, this Alternative would not result in significant hazardous material impacts or require impact-related mitigation.

The Retail-Only Alternative proposes approximately a quarter of the amount of building area as the proposed project. Less development would result in fewer project-generated traffic trips. By reducing the amount of traffic, air quality impacts would also be reduced proportionally, resulting in substantially less air quality impacts than the proposed project.

This Alternative could be developed on approximately 33 acres, or 41 percent of the total site. Under this Alternative, the southern half of the project site is assumed to remain undeveloped. Development pressures, however, may lead to its development in the future.

By developing a physically smaller portion of the project site, the Retail-Only Alternative would result in less designated agricultural land being converted and less burrowing owl habitat loss in comparison to the proposed project. Although this Alternative would result in a smaller loss of agricultural land and burrowing owl habitat, it would not reduce these impacts to a less-than-significant level. In addition, this Alternative would have a smaller mass and presence than the proposed project, reducing the project's significant visual and aesthetic impacts.

This Alternative would also reduce the project's noise, tree, utility and service systems, energy, and public service impacts. Construction impacts related to clearing and grading operations, such as

short-term noise, dust, and water quality impacts, would be substantially less than those from the proposed project.

This Alternative, similar to the proposed project, would preserve the fruit dehydrator building (refer to *Section II.G. Cultural Resources*).

Relationship to Project Objectives

The Retail-Only Alternative would specifically only allow commercial uses on the site, not industrial uses. Therefore, the Retail-Only Alternative would not be consistent with the project objectives 2-4, 8, and 10, which include developing a mix of industrial and retail uses on the site, developing up to one million square feet of industrial uses in Edenvale, intensifying development on the project site, and being consistent with the City's General Plan policies.

This Alternative is partially consistent with project objectives 1, 5-7, and 9, which include facilitating retail development and providing jobs and economic development in the project area. The jobs and economic benefits of this Alternative, however, would be substantially less than those of the proposed project.

Conclusion

Overall, the Retail-Only Alternative would be environmentally superior to the proposed project because it would eliminate the proposed project's traffic and land use/hazardous materials impacts. In addition, the Retail-Only Alternative would reduce the proposed project's air quality, agricultural resources, burrowing owl habitat, visual and aesthetic, noise, tree, utility and service systems, energy, and public service impacts. However, because this Alternative would allow for no industrial development and less commercial development, it would not meet project objectives 2-4, 8, and 10, which includes the preservation of industrial development on the site.

E. ALTERNATIVE LOCATIONS

The CEQA Guidelines require that an EIR identify an alternative location that “would avoid or substantially lessen any of the significant effects of the project” [§15126.6 (f) (2) (A)]. As discussed previously in this section, the overall objectives of the project is to create a mixed-use office/R&D and retail development on the project site (refer to the list of specific objectives above).

The project proposes up to one million square feet of office/R&D uses and up to 450,000 commercial/retail uses on an approximately 74-acre site. An alternative site would need to be at least of comparable size, within the existing urbanized area of San José, and with adequate roadway access, and utility capacity to serve the development proposed. Since the proposed site is mostly undeveloped and located in south San José, an appropriate alternative site would be undeveloped or at least partially undeveloped and in located in south San José.

In order to identify an alternative site that might reasonably be considered to “feasibly accomplish most of the basic purposes” of the project, and would also mitigate some or all of the significant impacts of the project, it was assumed that such a site would ideally have the following characteristics:

1. Located within the Edenvale Redevelopment Policy Area;
2. Located near a freeway and major roadways with good visibility;
3. Approximately 60 acres in size;
4. Not designated as Prime Farmland;
5. Not be located in a scenic viewshed;
6. Served by available infrastructure; and
7. Immediately available.

Because one of the objectives is to locate the proposed office/R&D uses and commercial/retail uses in South San José that compliments the Edenvale Redevelopment Project Area (project objectives 3, 6, and 7), alternative locations outside this area of San José were not identified. Similarly, alternative sites which are significantly smaller than the proposed site, and thus would not allow development of an equivalent amount of office/R&D and commercial/retail uses comparable to the proposed development, were also rejected.

A review of vacant and underutilized sites in Edenvale was conducted in order to identify potentially suitable alternative locations for the project. Potential alternative sites were evaluated in terms of whether they would: 1) reduce or avoid some or all of the environmental impacts of the proposed project; 2) be of sufficient size to meet most of the basic project objectives; and 3) be immediately available to be acquired or controlled by the applicant.

The following properties were identified and their general feasibility is discussed below. Figure 26 shows the location of these alternative sites.

1. Silver Creek Road and Hellyer Avenue

This site is generally bound by Hellyer Avenue to the northeast, Silver Creek Valley Road to the south, and Coyote Creek to the west. This site consists of approximately 57-acres of land partially developed with one to two-story unoccupied industrial buildings. The site has a land use designation of *Industrial Park* and is zoned for industrial uses.

Development of the proposed project at this alternative site would require a General Plan Amendment and Rezoning to allow for a mix of industrial and commercial uses on the site. The existing industrial buildings would be demolished as a result of the development of this site. In addition, since this alternative site is approximately half the size of the project site, it is assumed that the amount of development could be proportionately less.

2. Santa Teresa Boulevard and San Ignacio Avenue

This site is located at the east quadrant of the Santa Teresa Boulevard and San Ignacio Avenue intersection. Most of the approximately 40-acre site is vacant. A two-story industrial office building is developed on the northern portion of the site located north of Via del Oro. The site has a land use designation of *Industrial Park* and is zoned for industrial uses.

Development of the proposed project at this alternative site would require a General Plan Amendment and Rezoning to allow for a mix of industrial and commercial uses on the site. The existing industrial office buildings would be demolished as a result of the development of this site. In addition, since this alternative site is approximately 10 acres smaller than the project site, it is assumed that the amount of development could be proportionately less.

Comparison of Environmental Impacts

Since these alternative sites are not designated as farmland, development of the proposed project at either of these alternative sites would not result in the loss of designated farmland. In comparison to the project site, these alternative sites have fewer trees and therefore, would result in fewer impacts to trees.

Unlike the project site, where burrowing owl habitat is located along the road bank for SR 85 and a dirt road between Manassas Road and the Equinix buildings, both alternative sites appear to contain larger, contiguous areas of suitable burrowing owl habitat. For this reason, development of the proposed project at either of the alternative sites could result in greater impacts to burrowing owl habitat.

Development of the proposed project at either of these alternative sites would result in similar visual and aesthetic, traffic, land use, cultural, utilities, and energy impacts as the proposed project. Construction-related impacts, such as short-term noise, dust, and water quality impacts, would be greater than those from the proposed project because demolition of more buildings would be required.

Relationship to Project Objectives

Both of the alternative locations would meet project objectives 3, and 5 through 9, which include developing a mix of industrial and commercial uses in Edenvale, providing retail opportunities, intensifying development standards, facilitating economic development in Edenvale, and being consistent with the City's General Plan policies and the Industrial Conversion Framework. Since both alternative sites are smaller than the project site, it is assumed that the same amount of development may not be feasible on the alternative sites; therefore, this Alternative is not consistent with project objective 4. In addition, these alternative sites are not owned by the project applicant. For this reason, this Alternative would not be consistent with project objective 1.

Conclusion

Overall, development of the proposed project at one of the above identified alternative locations would be environmentally superior to the proposed project because it would eliminate the proposed project's significant impact on agricultural land. It would also have lesser impacts to trees because the alternative sites do not have as many trees as the project site and therefore, would not require the removal of as many trees to develop the alternative sites. Other impacts, including, visual and aesthetic, burrowing owl, and traffic, would be similar to those of the proposed project. This Alternative would meet project objectives 3 and 5-9, which include developing mixed industrial and retail uses in Edenvale and fostering economic development.

Because this Alternative would involve other properties that are not currently under control by the project applicant, this Alternative would not meet project objective 1 or 10 of marking and selling a site owned by the project applicant. For this reason, the Alternative Locations is not considered feasible.

Figure 26 Alternative Locations

F. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The CEQA Guidelines state that an EIR shall identify an environmentally superior alternative. Based on the above discussion, the environmentally superior alternative is the No Project Alternative, because all of the project's significant environmental impacts would be avoided. However, Section 15126.6(e)(2) states that "if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives."

Therefore, based upon the previous discussion, the Retail-Only Alternative would be the environmentally superior alternative because this Alternative would not result in significant traffic, land use compatibility, or hazardous materials impacts. In addition, the Retail-Only Alternative would reduce the proposed project's air quality, agricultural resources, burrowing owl habitat, visual and aesthetic, noise, tree, utility and services impacts.

| Table 39 Matrix Comparison of Project Alternative Impacts | | | | | |
|--|-------------------------|-------------------------------|---|--------------------------------|--|
| Impacts | Proposed Project | No Project Alternative | Reduced Development and Smaller Project Site Alternative | Retail-Only Alternative | Alternative Locations Alternative |
| Agricultural Land | SU | SU | SU | SU | NI |
| Visual and Aesthetic | SU | SU | SU | SU | SU |
| Burrowing Owl | SU | SU | SU | SU | SU |
| Traffic | SM | LTS | SM | LTS | SM |
| Land Use | SM | NI | SM | LTS | SM |
| Construction-related Impacts (biological resources, water quality, air quality, and buried cultural resources) | SM | SM | SM | SM | SM |
| Geology | LTS | LTS | LTS | LTS | LTS |
| Hazardous Materials | SM | LTS | SM | LTS | SM |
| Utilities and Services | SM | SM | SM | SM | SM |
| Fully Meets Project Objectives | YES | NO | NO | NO | NO |
| <i>Notes:</i> NI= No Impact LTS= Less Than Significant Impact SM=Significant, but can be mitigated to a less than significant level SU=Significant unavoidable or unmitigated impact Bold = Environmentally Superior to the Proposed Project | | | | | |

IV. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

This section was prepared pursuant to CEQA Guidelines Section 15126.2(c), which requires a discussion of the significant irreversible changes that would result from the implementation of a proposed project. Significant irreversible changes include the use of nonrenewable resources, the commitment of future generations to similar use, irreversible damage resulting from environmental accidents associated with the project, and irretrievable commitments of resources. Applicable environmental changes are described in more detail below.

A. USE OF NONRENEWABLE RESOURCES

The proposed project, during demolition, construction, and operation, will require the use and consumption of nonrenewable resources. Renewable resources, such as lumber and other wood byproducts, will also be used. Unlike renewable resources, nonrenewable resources cannot be regenerated over time. Nonrenewable resources include fossil fuels and metals.

As discussed in *Section II.L. Energy*, energy will be consumed during both the construction and operational phases of the project. The construction phase will require the use of nonrenewable construction material, such as concrete, metals, and plastics. Nonrenewable resources and energy would also be consumed during the manufacturing and transportation of buildings materials, preparation of the site, and construction of the buildings. The operational phase will consume energy for multiple purposes including, building heating and cooling, lighting, appliances, electronics, and commercial machinery. Energy, in the form of fossil fuels, will be used to fuel vehicles traveling to and from the project site.

The project would result in substantial increase in demand upon nonrenewable resources. However, the project will be in conformance with the City's energy goal and policies, which foster development that reduces the use of nonrenewable energy resources in transportation, buildings and urban services (utilities) and expands the use of renewable energy resources and the City's Green Building Policy, which incorporates green building principles and practices into the planning, design, construction, management, renovation, operations, and demolition of buildings (refer to *Section I.G. Consistency with Adopted Plans and Policies*). The project also includes measures to reduce energy consumption (refer to *Section II.L. Energy*).

B. COMMITMENT OF FUTURE GENERATIONS TO SIMILAR USE

The project proposes up to one million square feet of industrial office/R&D uses and up to 450,000 square feet of commercial/retail development. The development of the proposed project would commit a substantial amount of resources to relocate, salvage, or remove the existing buildings, grade the site, construct the industrial and commercial buildings, and operate them.

C. IRREVERSIBLE DAMAGE RESULTING FROM ENVIRONMENTAL ACCIDENTS ASSOCIATED WITH THE PROJECT

The project does not propose any new or uniquely hazardous uses, and its operation would not be expected to cause environmental accidents that would impact other areas. The project does, however, allow for sensitive commercial uses to be located near industrial uses on the site. This could expose future sensitive receptors, such as children, to air emissions and hazardous materials

from industrial operations. The risks of locating sensitive commercial uses and industrial uses in proximity to each other is evaluated in Section *II.J. Hazards and Hazardous Materials* of this EIR.

The project site is located within a seismically active region and would be exposed to ground shaking during a seismic event. Liquefaction-susceptible soils are also on the site. Conformance with the standard engineering practices in the Uniform Building Code for Seismic Zone 4 construction standards and implementation of the recommendations in the project-specific geotechnical report to be prepared for the project would not result in significant geological impacts (refer to *Section II.H. Geology and Soils*).

The project, with the implementation of the proposed mitigation measures to reduce geology and soils and hazardous materials impacts (refer to Sections *II.H. Geology and Soils* and *II.J. Hazards and Hazardous Materials* of this EIR), would not likely result in irreversible damage that may result from environmental accidents.

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